CONFIDENTIAL: SUBJECT TO STRICT
SF CHRONICLE EMBARGO UNTIL SATURDAY, APRIL 4, 2026

FORMAL COMPLAINT AND REQUEST FOR INVESTIGATION REGARDING VIOLATIONS OF STATE HOUSING LAW

SUBMITTED TO:
California Department of Housing & Community Development (HCD)
Housing Accountability Unit (HAU)

CC:
California Office of the Attorney General
Housing Justice Team / Bureau of Environmental Justice

RESPONDENT JURISDICTION:
City and County of San Francisco

STATUTORY VIOLATIONS ALLEGED:

- Material Inconsistency with Affirmatively Furthering Fair Housing (AFFH) (Gov. Code § 8899.50)
- Discriminatory Allocation of State Financial Assistance (Gov. Code § 11135)
- Failure to Implement Certified Housing Element (Gov. Code § 65585(i))
- Deficient Site Inventory and Realistic Capacity Violations (Gov. Code § 65583.2 / AB 1397)

COMPLAINANT:
SOMA West Neighborhood Association (SWNA)
info@somawestneighbors.org

DATE SUBMITTED: April 3, 2026

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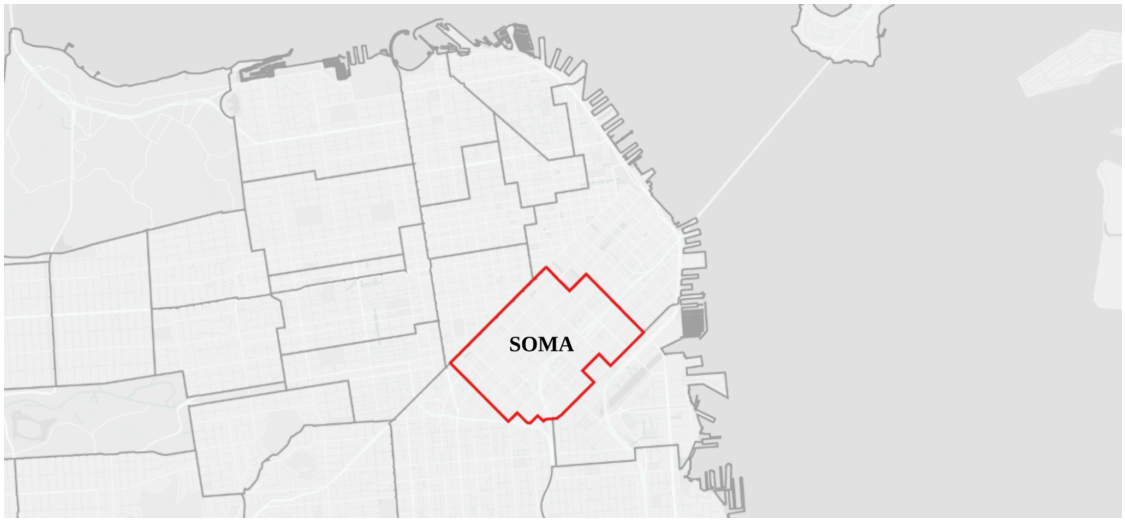
I. Executive Statement of Violation

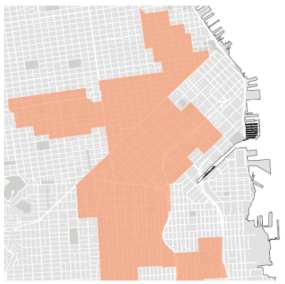
The SOMA West Neighborhood Association (SWNA) submits this formal complaint to alert the Housing Accountability Unit (HAU), the California Attorney General's Housing Justice Team, and state legislators that the City and County of San Francisco is acting in material, intentional inconsistency with its statutory obligations to Affirmatively Further Fair Housing (AFFH) under Government Code § 8899.50, the Realistic Capacity requirements of AB 1397, the Housing Accountability Act (Gov. Code § 65589.5), the Environmental Justice mandates of SB 1000, and prohibitions against state-funded discrimination under Gov. Code § 11135.

San Francisco's hyper-concentration of poverty is a deliberate, legislated containment strategy. Despite explicit warnings from HCD to site housing in well-resourced areas (see Sept. 2025 HCD letter), the City engineers a segregated disparate impact zone within the South of Market (SOMA) Analysis Neighborhood.

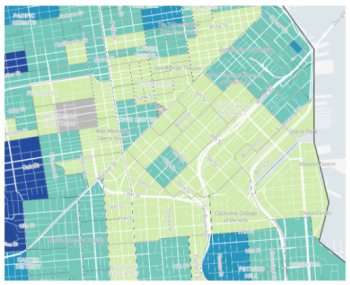
Official Boundaries of the South of Market Analysis Neighborhood



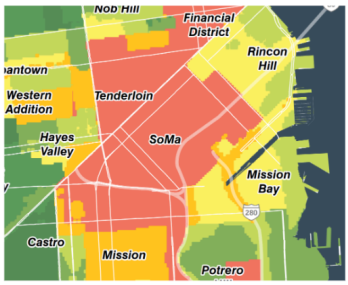
Under the State's definitions, SOMA is classified as a TCAC "Low to Moderate Resource" area, and a SB 535 Disadvantaged Community (DAC). The City itself officially designates the neighborhood as a heavily burdened "Environmental Justice Community" and a "Priority Equity Geography" due to its extreme concentration of vulnerable populations.



Priority Equity Geography



TCAC Area of Low/Moderate Resource



Designated Environmental Justice Community

SB 535 Disadvantaged Community

Rather than fulfilling its mandatory AFFH duty to transform this Priority Equity Geography into an area of opportunity, the City utilizes a pretextual, multi-pronged regulatory strategy to steer Permanent

Supportive Housing (PSH) and emergency shelters (both legally classified as residential uses subject to AFFH under Gov. Code § 65583) directly into this already burdened neighborhood. This practice actively deepens segregation within and adjacent to SOMA's federally designated R/ECAP (Racially/Ethnically Concentrated Area of Poverty) census tracts, while shielding high-resource neighborhoods from integration.

Statutory Framework of Violations

Under State Housing Element Law, once a local government adopts its Housing Element, it possesses a mandatory legal duty to implement its certified programs (Gov. Code § 65583(h)). Furthermore, Government Code § 8899.50(b) strictly prohibits the City from taking any action that is "materially inconsistent" with its obligation to Affirmatively Further Fair Housing (AFFH). San Francisco is actively violating these mandatory duties. Rather than implementing its specific commitments to integrate high-resource areas, the City utilizes discretionary capital and zoning loopholes to take materially inconsistent actions, hyper-concentrating affordable housing and homeless shelter beds & services into the SOMA Priority Equity Geography while shielding affluent neighborhoods from integration.

Mechanisms of Exclusion and Disparate Impact

The administrative record proves the City operates with a clear understanding of the harm it is causing. Instead of correcting decades of acknowledged segregation, the City accelerates it through three primary mechanisms:

- **Pretext of Cost Efficiency:** The City claims it lacks funds to build in high-resource areas, yet its own audits admit it subjects new affordable housing projects designed to integrate the West Side (such as the 2550 Irving project) to years of regulatory attrition to appease "biased" neighborhood opposition. Concurrently, the City violates Housing Element Action 1.2.6 by abandoning public land commitments in favor of deploying over $157 million in discretionary capital to acquire, master-lease, and subsidize private sites in SOMA.
- **Statutory Manipulation & Bad Faith:** The City actively manipulates its zoning classifications to maintain SOMA as a containment zone. To evade state laws mandating streamlined mixed-income housing (SB 79), the City officially claims certain SOMA zoning districts are strictly industrial employment hubs. Yet, in actual practice, it interprets those exact same parcels as residential zones to rapidly approve high-acuity shelters. Concurrently, the City bypasses local anti-saturation laws to pack more institutional services into the neighborhood, most recently at 444 6th Street, where it intentionally misclassified a behavioral health center as a carceral facility to evade geographic equity limits.
- **Exclusionary Zoning:** The City utilizes the SOMA NCT zoning district (imposing disproportionate inclusionary requirements and commercial footprint caps) to starve the 6th Street corridor of private investment and preserve commercial blight.

A State-Funded Civil Rights Crisis

This exclusionary architecture causes severe, documented physical and economic harm. The City intentionally concentrates protected classes in a designated environmental heat island devoid of adequate tree canopy, while simultaneously withdrawing baseline municipal and police services. By funneling state-funded recovery housing directly into the epicenter of a fatal overdose crisis, the City subjects vulnerable citizens to institutional endangerment. The State of California cannot legally finance its own segregation, these actions trigger immediate civil rights violations under Gov. Code § 11135.

Enforcement Actions Demanded: To dismantle this containment zone, HCD must exercise its statutory authority to execute the following enforcement actions (detailed fully in Section XIII):

1. **Reject the SB 79 Alternative Plan** (Ordinance File No. 260132).
2. **Enforce Action 8.1.5** and conduct a Realistic Capacity review under AB 1397.
3. **Issue a Notice of Violation (NOV)** finding the City is operating in material inconsistency with its certified Housing Element, citing recent hyper-concentrated approvals, procedural bad faith, and state-funded discrimination under Gov. Code § 11135.
4. **Issue a Corrective Action Letter** mandating the City cure the "Ministerial Exclusion Zone" in SOMA West and require AFFH consistency findings for all contract renewals.
5. **Condition Discretionary State Funding** on geographic equity by mandating the redirection of capital for new 100% restricted affordable housing and shelter projects away from the SOMA containment zone and into Well-Resourced Neighborhoods.
6. **Revoke Housing Element Compliance** under Gov. Code § 65585(i), immediately triggering the Builder's Remedy (Gov. Code § 65589.5), and formally refer the City to the Attorney General with the recommendation to seek maximum civil penalties and injunctive relief.

II. Statement of Intent: Pro-Housing, Pro-Density, Pro-Equity

The SOMA West Neighborhood Association (SWNA) unequivocally supports housing production, including the development of Extremely Low Income (ELI) and Permanent Supportive Housing (PSH), to address the City's crises. Our neighborhood welcomes new development, increased density, and higher zoning height limits. We have consistently advocated for adding housing supply at all income levels.

However, our support for density does not equate to consent to serve as a designated containment zone for concentrated poverty. Being "pro-housing" requires a commitment to economic integration. By systematically concentrating its ELI and high-acuity pipeline into SOMA (while utilizing exclusionary zoning to legally banish these exact same facilities from affluent, high-resource West Side neighborhoods), the City actively subverts the state mandate to "replace segregated living patterns" (AB 686). Compliance with state fair housing law requires the equitable citywide distribution of affordable housing, not the geographic steering of poverty into a few designated Priority Equity Geographies.

III. Statistical Evidence of Segregation (Location Quotients)

Qualitative arguments regarding saturation are supported by the City's own historical and current quantitative data. To mathematically prove this saturation, we utilize a Location Quotient (LQ) – the same statistical metric relied upon by HCD and the State Tax Credit Allocation Committee (TCAC) to measure relative segregation in a specific area compared to a larger baseline.

An LQ measures proportionality. It is calculated by dividing a neighborhood’s local concentration of affordable housing by the overall citywide concentration. An LQ of 1.0 represents perfect geographic parity, meaning the neighborhood hosts exactly its fair, proportional share. Crucially, HCD's own Opportunity Map methodology establishes that any Location Quotient greater than 1.25 demonstrates a high concentration of segregation.

1. Baseline Acknowledgment of Segregation
In its 2022 Housing Element Appendix A, the City established a formalized baseline of severe,

macro-level segregation (2022 Housing Element Appendix A, p.47). San Francisco disclosed to the State that "Sixty percent (60%) of San Francisco's affordable units are in five neighborhoods on the eastern side of the city: the Tenderloin, South of Market, Western Addition, Mission, and Bayview-Hunters Point" (p.46). The City directly acknowledged that this containment is the direct result of its own "exclusionary zoning," which left 66% of the city's neighborhoods with only 2% affordable housing.

Within this macro-containment zone, SOMA's specific burden is uniquely severe. Table 31 of the appendix explicitly details this hyper-concentration, serving as a formal administrative acknowledgment of existing segregation. Prior to the Element's adoption, the City documented that SOMA's housing stock was already 33 percent affordable. By establishing this baseline, the City confirms it was fully aware of SOMA's extreme saturation before it subsequently authorized hundreds of millions of dollars in new discretionary acquisitions and high-acuity contract renewals inside the exact same neighborhood.

Baseline Acknowledgment of Segregation: Affordable Housing Units by Neighborhood (Source: 2022 Housing Element, Appendix A, Table 31)

Table 31. **Affordable Housing Units by Neighborhood**

Neighborhood	*Affordable Units*	*Total units*	*% of Units in Neighborhood Affordable*	*% of City's Affordable Units*
Tenderloin	6,163	20,075	31%	17%
South of Market	4,719	14,487	33%	13%
Western Addition	3,816	13,117	29%	11%
Mission	3,575	26,179	14%	10%
Bayview Hunters Point	3,213	12,701	25%	9%
Financial District/South Beach	2,359	14,459	16%	7%
Mission Bay	1,678	7,244	23%	5%
Hayes Valley	1,370	10,641	13%	4%
Chinatown	1,178	7,628	15%	3%
Visitacion Valley	940	5,308	18%	3%
Potrero Hill	825	7,310	11%	2%
North Beach	734	7,360	10%	2%
Japantown	635	2,535	25%	2%
Pacific Heights	573	14,774	4%	2%
All other 27 neighborhoods	4,098	233,994	2%	11%
Total	**35,876**	**397,812**	**9%**	**100%**

Source: Planning analysis of affordable housing data and unit totals from ACS 2015-2019 data.

This table reflected a Location Quotient (LQ) of 3.67 in 2022. Adopting the Housing Element with this baseline knowledge, and then aggressively continuing to funnel 100% affordable and Extremely Low-Income (ELI) housing into the exact same neighborhood, constitutes willful material inconsistency.

2. 2026 Continued Hyper-Concentration

Rather than using the 2022 Housing Element to correct this known disparity, the City has entrenched it. Using the City's 2024 Housing Inventory and the February 2026 MOHCD Affordable Housing Portfolio, we established the current Location Quotients across San Francisco neighborhoods.

Affordable Housing Location Quotients by Neighborhood (February 2026)

Neighborhood	Total Housing Units (2024)	Affordable Units (2026)	% Affordable	Location Quotient (LQ)	Interpretation
Treasure Island	1,317	522	39.6	4.71	Extreme Concentration
Tenderloin	22,776	6,310	27.7	3.29	Extreme Concentration
South of Market	**17,865**	**4,829**	**27**	**3.21**	Extreme Concentration
Mission Bay	10,768	2,352	21.8	2.6	Extreme Concentration
Bayview Hunters Point	14,542	2,672	18.4	2.18	Extreme Concentration
Western Addition	13,090	2,396	18.3	2.18	Extreme Concentration
Japantown	2,763	466	16.9	2	Extreme Concentration
Chinatown	5,764	945	16.4	1.95	High Concentration
Visitacion Valley	5,314	686	12.9	1.53	High Concentration
Glen Park	3,974	512	12.9	1.53	High Concentration
Mission	29,155	3,578	12.3	1.46	High Concentration
Financial District/South Beach	19,416	2,233	11.5	1.37	High Concentration
Hayes Valley	12,193	1,382	11.3	1.35	High Concentration
Lone Mountain/USF	7,136	522	7.3	0.87	Balanced / Equitable
Outer Mission	6,529	465	7.1	0.85	Balanced / Equitable
Potrero Hill	9,114	579	6.4	0.76	Balanced / Equitable
Bernal Heights	8,949	483	5.4	0.64	Under-Served
Nob Hill	18,749	737	3.9	0.47	Under-Served
North Beach	7,510	293	3.9	0.46	Under-Served
Haight Ashbury	9,225	339	3.7	0.44	Under-Served
Pacific Heights	15,301	498	3.3	0.39	Under-Served
Castro/Upper Market	12,856	344	2.7	0.32	Under-Served
Russian Hill	13,291	292	2.2	0.26	Under-Served
Inner Richmond	9,836	202	2.1	0.24	Under-Served
Excelsior	10,016	155	1.5	0.18	Under-Served
Oceanview/Merced/Ingleside	6,702	94	1.4	0.17	Under-Served
Outer Richmond	19,118	229	1.2	0.14	Under-Served
Inner Sunset	12,563	114	0.9	0.11	Under-Served
Presidio Heights	6,722	57	0.8	0.1	Under-Served
Sunset/Parkside	27,067	217	0.8	0.1	Under-Served
Portola	4,381	18	0.4	0.05	Under-Served
Marina	15,636	52	0.3	0.04	Under-Served
Noe Valley	11,551	27	0.2	0.03	Under-Served
Seacliff	999	1	0.1	0.01	Under-Served
Lakeshore	7,386	0	0	0	Exclusionary / Segregated
Lincoln Park	70	0	0	0	Exclusionary / Segregated
Twin Peaks	3,801	0	0	0	Exclusionary / Segregated
West of Twin Peaks	14,152	0	0	0	Exclusionary / Segregated

Data and Methodology:

- Total housing unit baselines per Analysis Neighborhood come from the San Francisco Planning Department's "2024 Housing Inventory" report (published April 2025).
- Active affordable unit counts are derived from the Mayor's Office of Housing and Community Development (MOHCD) "Affordable Housing Portfolio" raw dataset (updated February 15, 2026).
- The Location Quotient (LQ) is calculated against a citywide baseline where 35,156 total affordable units make up 8.41% of the 417,824 total citywide housing units.

The data proves that SOMA continues to operate far beyond any acceptable threshold for geographic equity, hosting over three times its fair share of the city's affordable housing (Location Quotient of 3.21). In contrast, well-resourced neighborhoods like Sunset/Parkside carry one-tenth of their equitable share (LQ of 0.10).

The active pipeline reveals the City maintains this concentration by targeting SOMA with high-acuity units. SOMA accounts for 49 percent of all SRO units in the entire citywide pipeline (404 out of 825 units) and 8.5 percent of all pipeline homeless units, despite holding only roughly 4 percent of the city's total housing stock.

This pipeline also confirms the City continues to engineer segregation at a macro-geographic scale. The December 2025 AHSAS Final Report documents that "Districts 1, 2, 4, 7, 8, and 11 have few or no 100% affordable projects in the pipeline," acknowledging that "these districts are where more of the city's higher resource areas are found". By the City's own administrative record, six entire Supervisorial Districts, more than half the jurisdiction's geographic area, are effectively exempted from the affordable housing pipeline.

Simultaneously, the SOMA Analysis Neighborhood alone absorbs 913 affordable units. Comparing SOMA's extreme saturation to the barren pipelines of comparable high-resource, transit-rich residential neighborhoods exposes this stark, ongoing disparity:

- SOMA Analysis Neighborhood: 913 affordable units
- Marina: 9 affordable units
- Outer Richmond: 6 affordable units
- Noe Valley: 4 affordable units
- Pacific Heights: 3 affordable units
- Inner Sunset: 0 affordable units

3. Concentration of Emergency Shelters and Homelessness Services

City data establishes that this containment strategy is actively accelerating, demonstrating material inconsistency with AFFH obligations. A July 2025 Budget and Legislative Analyst report documented that the SOMA Analysis Neighborhood hosted 25.9% of the city's shelter beds. Just six months later, the Department of Homelessness and Supportive Housing (HSH) "Shelter Equity Analysis - January 2026" documented that SOMA's concentration had worsened, increasing to 28 percent of the entire city's shelter beds. In stark contrast, high-resource West Side and Northern neighborhoods (such as the Marina, Inner & Outer Sunset, and Pacific Heights) continue to host zero percent.

The City routinely justifies this localized saturation by claiming services must be located where the unhoused population resides. The City's own January 2026 data invalidates this rationale. By calculating a "Fair Share Location Quotient" (a neighborhood's share of shelter beds divided by its share of the unsheltered population, where 1.0 represents perfect parity), the data establishes that SOMA is utilized to absorb the service burden of other neighborhoods.

As the below table demonstrates, SOMA accounts for only 11 percent of the city's unsheltered population but is allocated 28 percent of the city's shelter beds. Consequently, the neighborhood hosts over two-and-a-half times its equitable share of high-acuity facilities relative to its actual unhoused population, while high-resource neighborhoods host zero.

HSH Shelter Equity Analysis:
Fair Share Location Quotients by Neighborhood (January 2026)

Neighborhood	Share of Unsheltered (Need)	Share of Beds (Burden)	Fair Share LQ	Interpretation
Lone Mountain / USF	1%	3%	3.00	Extreme Concentration
Nob Hill	1%	3%	3.00	Extreme Concentration
South of Market	11%	28%	2.55	Extreme Concentration
Potrero Hill	1%	2%	2.00	Extreme Concentration
Tenderloin	19%	32%	1.68	High Concentration
Financial District / South Beach	4%	5%	1.25	High Concentration
Haight Ashbury	1%	1%	1.00	Balanced / Equitable
Outer Richmond	1%	1%	1.00	Balanced / Equitable
Western Addition	2%	2%	1.00	Balanced / Equitable
Mission	15%	13%	0.87	Balanced / Equitable
Bayview Hunters Point	21%	11%	0.52	Under-Served
Bernal Heights	2%	0%	0.00	Exclusionary / Segregated
Hayes Valley	2%	0%	0.00	Exclusionary / Segregated
Castro / Upper Market	2%	0%	0.00	Exclusionary / Segregated
Chinatown	1%	0%	0.00	Exclusionary / Segregated
Excelsior	0%	0%	0.00	Exclusionary / Segregated
Glen Park	0%	0%	0.00	Exclusionary / Segregated
Golden Gate Park	3%	0%	0.00	Exclusionary / Segregated
Inner Richmond	1%	0%	0.00	Exclusionary / Segregated
Inner Sunset	0%	0%	0.00	Exclusionary / Segregated
Japantown	0%	0%	0.00	Exclusionary / Segregated
Lakeshore	2%	0%	0.00	Exclusionary / Segregated
Marina	1%	0%	0.00	Exclusionary / Segregated
McLaren Park	0%	0%	0.00	Exclusionary / Segregated
Mission Bay	0%	0%	0.00	Exclusionary / Segregated
Noe Valley	0%	0%	0.00	Exclusionary / Segregated
North Beach	1%	0%	0.00	Exclusionary / Segregated
Oceanview / Merced / Ingleside	0%	0%	0.00	Exclusionary / Segregated
Outer Mission	0%	0%	0.00	Exclusionary / Segregated
Pacific Heights	0%	0%	0.00	Exclusionary / Segregated
Portola	0%	0%	0.00	Exclusionary / Segregated
Presidio	0%	0%	0.00	Exclusionary / Segregated
Presidio Heights	0%	0%	0.00	Exclusionary / Segregated
Russian Hill	0%	0%	0.00	Exclusionary / Segregated
Seacliff	0%	0%	0.00	Exclusionary / Segregated
Sunset / Parkside	4%	0%	0.00	Exclusionary / Segregated
Treasure Island	0%	0%	0.00	Exclusionary / Segregated
Twin Peaks	0%	0%	0.00	Exclusionary / Segregated
Visitacion Valley	0%	0%	0.00	Exclusionary / Segregated
West of Twin Peaks	1%	0%	0.00	Exclusionary / Segregated

Source: City-provided HSH Analysis 2026. Note: While neighborhoods like Lone Mountain and Nob Hill register a technically higher Location Quotient due to the statistical effect of small denominators, representing only 1% of the citywide need, SOMA stands alone in its severity. SOMA's combination of an "Extreme Concentration" LQ of 2.55 coupled with its massive absolute burden, hosting 28% of the entire city's capacity in a single neighborhood, uniquely defines it as the City's primary containment zone.

Critically, this HSH report explicitly excludes Permanent Supportive Housing (PSH) from its count. Given SOMA's massive share of the city's PSH, this 28% figure represents a gross undercount of the true containment burden. The City knows this concentration is disproportionate, yet actively exacerbates it nonetheless.

4. SOMA's Uncounted Jail Burden

Even these extreme Location Quotients fail to capture the full scope of institutional saturation engineered into the neighborhood. San Francisco maintains its in-city jail directly inside the SOMA Priority Equity Geography. The facility at 425 7th Street imposes an active capacity of 516 jail beds on the immediate neighborhood, split between County Jail #2 (392 beds) and the Intake and Release Center (124 beds).

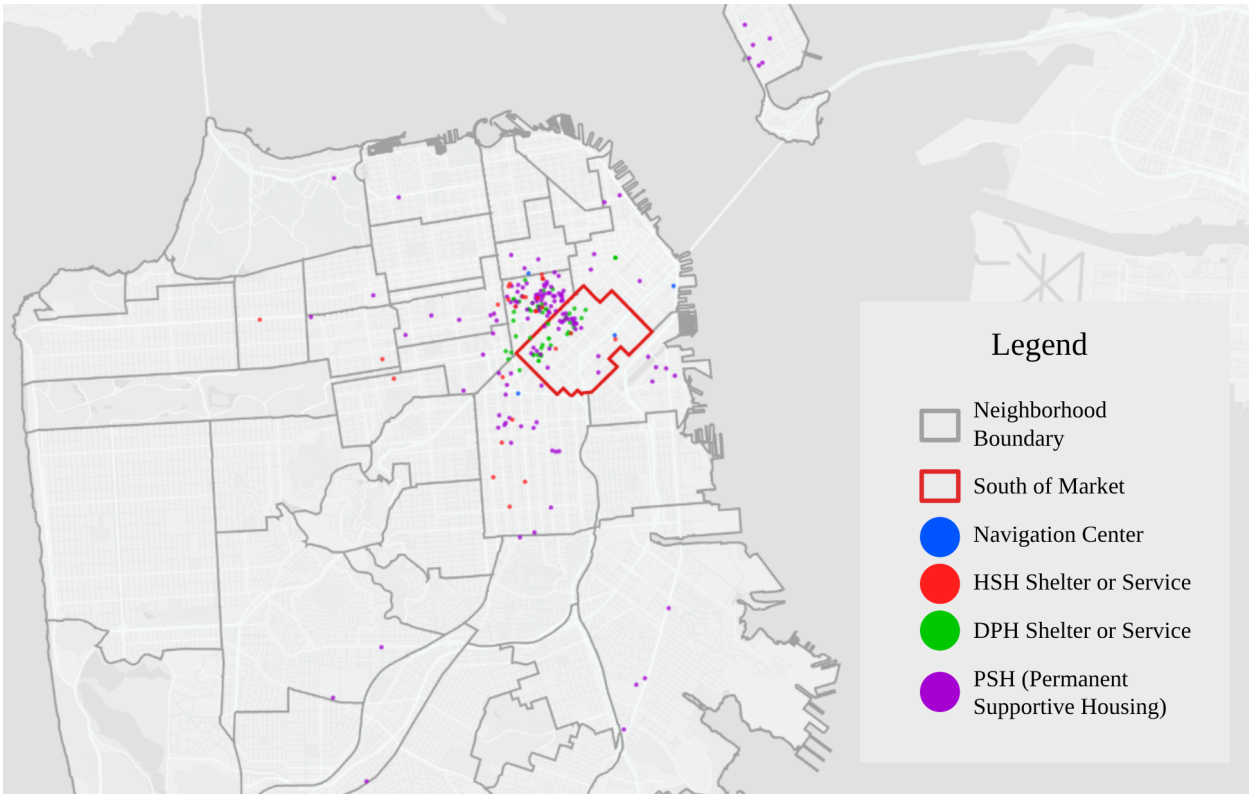
While the City's own above data acknowledges SOMA operates at a severe Affordable Housing Location Quotient (LQ) of 3.21 and a Homeless Bed LQ of 2.55, state and federal methodologies classify carceral facilities as involuntary group quarters. Consequently, these 516 beds are excluded from the City's official saturation metrics.

If these jail beds were consolidated with the HSH inventory to reflect the neighborhood's true institutional burden, SOMA would host 36 percent of all such beds citywide, driving its combined institutional (Homeless + Jail) Location Quotient to 3.30.

This statistical separation masks the true institutional burden placed on the neighborhood. Government Code § 8899.50 mandates that cities connect low-income residents with well-resourced, high-opportunity neighborhoods. By intentionally co-locating Extremely Low-Income housing and high-acuity shelters adjacent to heavy carceral infrastructure, San Francisco defies this mandate. This siting strategy does not provide access to opportunity; it confirms the City treats SOMA as a containment zone for its most severely burdened populations and facilities.

IV. Systemic Disparate Impact Citywide

Citywide Distribution of Supportive Housing and Homelessness Services (February 2026)



Source: Compiled Service Sites

SOMA's extreme saturation is the direct result of a deliberate, citywide "Pattern and Practice" of containment. City data proves that San Francisco systematically targets a handful of vulnerable neighborhoods to absorb its housing burdens while aggressively shielding high-resource areas from integration. Beyond SOMA, the citywide pipeline data reveals that District 10 (Bayview Hunters Point) is currently burdened with 23.5% of the entire city's affordable housing pipeline (2,383 units) (Pipeline Data).

The City's own Budget and Legislative Analyst recently confirmed this stark reality, finding that 60 percent of all city shelter beds are concentrated in just two neighborhoods: the Tenderloin and South of Market. Combined with District 10 (Bayview / Hunters Point), these three Analysis Neighborhoods are being forced to absorb a massive, disproportionate share of the city's poverty concentration. Conversely, high-resource districts like District 2 (Marina/Pacific Heights) maintain virtually zero pipeline activity. This sustained disparity establishes the City is actively engineering containment zones in violation of state and federal fair housing laws.

Destruction of Protected Cultural Enclaves and Environmental Justice Communities
This disparate impact specifically targets a legally and culturally vulnerable neighborhood. San Francisco's own 2022 Housing Element Update explicitly designates SOMA as a "Priority Equity Geography" due to its concentration of vulnerable populations, and acknowledges that it contains federally recognized Racially/Ethnically Concentrated Areas of Poverty (R/ECAPs). The State's Opportunity Mapping methodology dictates that local agencies must avoid further segregation and poverty concentration in these specific areas to advance AFFH objectives.

The City explicitly recognizes the physical hazards of this containment zone. In its 2022 AFFH Assessment, the City documented that "the highest environmental burdens are in neighborhoods along the eastern side of the City in neighborhoods including... South of Market" (p. 143) Despite officially acknowledging that SOMA carries the highest environmental burden in the jurisdiction, active pipeline data demonstrates the City is systematically funneling the vast majority of its new, state-funded low-income housing directly into this exact hazard zone. Utilizing a state-designated SB 535 Disadvantaged Community – which ranks in the top 10 percent for pollution burden under CalEnviroScreen 4.0 – as the primary staging ground for high-acuity facilities constitutes a direct, documented violation of SB 1000 (Environmental Justice).

SOMA is not a vacant industrial zone, it is a community and a legally recognized historic enclave for marginalized groups. The neighborhood contains three officially adopted cultural districts intended to prevent displacement: SOMA Pilipinas (Filipino Cultural Heritage District), the country's only Transgender District, and the country's only Leather & LGBTQ Cultural District. The City's own Housing Element formally acknowledges that these districts were established specifically to "stabilize vulnerable communities facing or at risk of displacement or gentrification."

By systematically steering extreme poverty, open-air narcotics markets, and environmental disinvestment into these specific cultural boundaries, the City is actively eroding the viability of these protected enclaves. This state-funded deterioration directly violates the core tenets of AB 686, as well as the City's own binding Housing Element commitments to "Eliminate displacement of vulnerable communities" (Objective 3.C) and "Elevate expression of cultural identities" (Objective 5.C).

Failure to Utilize AB 2011 on High-Resource Corridors

The City often claims it relies on SOMA because zoning elsewhere is too difficult or politically contentious. The passage of AB 2011 (The Affordable Housing and High Road Jobs Act) legally removed that excuse by allowing ministerial, by-right approval for affordable housing on commercial corridors, including those in the West Side like the Geary, Irving, and Taraval corridors. The fact that the City has virtually zero active AB 2011 projects in the high-resource West Side pipeline, but continues to aggressively push and fund projects in SOMA, proves that zoning is not the barrier. The City's intent and funding prioritization are the true drivers of this containment strategy.

Pretext of Cost Efficiency and Regulatory Attrition

The City frequently justifies its geographic steering by claiming land acquisition is cheaper in eastern neighborhoods to maximize limited public funds. The administrative record invalidates this defense on two fronts. First, the City's own commissioned financial analysis (Century Urban, February 2025) refutes this assumption using the City's own acquisition receipts. The report proves the City paid significantly more per unit to acquire land in SOMA (e.g., $175,200 per unit for 160 Freelon) than it did for comparable sites in high-resource West Side neighborhoods (e.g., $112,500 per unit for 2550 Irving, and $100,500 per unit for 1234 Great Highway). The report also concludes that rezoning parcels "does not necessarily lead to higher land values per unit" (p. 10).

Second, the City's own Analysis of Impediments to Fair Housing Choice explicitly admits that the true barrier to integration is not land cost, but rather that "certain communities have used these processes to halt or delay affordable housing developments in high and highest opportunity areas with great economic impacts to the cost of these developments". Regarding a recent high-resource TNDC project [2550 Irving], the City conceded that opposition to integration is frequently driven by "biased concerns on who the project will serve" (p. 272). Yielding to documented bias on the West Side, while

concurrently deploying over $157 million in discretionary capital to acquire, master-lease, and subsidize private sites in SOMA (as detailed in Section VI), proves the "cost efficiency" defense is a pretext for intentional segregation.

V. Official Admissions of Disparate Impact and Intentional Siting

The City's legislative and administrative records explicitly document that its siting decisions are driven by factors prohibited under AFFH mandates. HCD previously warned the City regarding "bad faith" delays under the Housing Accountability Act (see HCD Letter re: 469 Stevenson, Nov 23, 2022). The chronological record below establishes an identical bad faith pattern: the City utilizes promises of reform as an administrative pretext to immediately approve segregated projects.

1. 1999 Resolution: Historical Acknowledgment of Exclusionary Siting.
Over 25 years ago, the Board of Supervisors passed Resolution 1143-99 (Dec 1999), titled "Social Services Long Range Planning." In this resolution, the City explicitly admitted that "individual proposed projects are often the subject of organized opposition by City neighborhoods, leading City officials to site facilities in poorer neighborhoods." Despite identifying this discriminatory dynamic in 1999, the City has spent the last quarter-century capitulating to that same opposition in wealthy neighborhoods while turning SOMA into the containment zone for the services those neighborhoods refused.

2. 2017 Resolution: Ignored Legislative Demands for Geographic Equity
In May 2017, the Board of Supervisors introduced Resolution 170568, urging the Department of HSH to establish criteria for "citywide geographic equity." During the May 9, 2017 public hearing introducing the legislation, the lead sponsor, Jane Kim, explicitly equated the City's siting practices to historical segregation, stating on the record: "In the 1930s redlining was a policy used to systematically segregate neighborhoods... Today San Francisco's failure to provide geographic equity separates the people based on the status of their housing and concentrates poverty in certain parts of San Francisco" (video 3:02:19, transcript).

Despite this explicit legislative admission that its policies mirror redlining and illegally concentrate poverty, the Board allowed the resolution to quietly expire, officially filing it without action in January 2019. Rather than implementing these equity criteria, the City has spent the subsequent years actively worsening the saturation in SOMA.

3. March 2025 Resolution: Acknowledging Inequitable Distribution
On March 21, 2025, the City enacted Resolution 108-25, which officially documents the Board of Supervisors' awareness of geographic containment. The legislation explicitly states that the shelter burden has "disproportionately fallen on certain districts, particularly Districts 10, 9, 6 and 5," while noting that districts "on the city's west side had only seven combined" (p.1)

Within the text of the resolution, the Board concedes that the "districts most impacted by this inequitable distribution of shelters and services are predominantly home to communities of color and lower-income residents" (p.2) This legislative finding establishes that the City's governing body possesses direct, codified knowledge that its siting practices concentrate poverty in minority neighborhoods while shielding the West Side.

4. Acknowledgment of "Deep Saturation" and Disparate Harm
During the passage of Ordinance 172-25 (Administrative Code Chapter 124, the "One City Shelter Act"), City officials conceded the severe harm caused by this containment strategy across multiple legislative venues:

- **Statutory Admissions:** The enacted text of the Ordinance documents that a "disproportionate number of new facilities in the same communities has led to deep saturation, strained local systems, and growing community fatigue."
- **Lead Sponsor Statements (May 6, 2025):** The legislative sponsor named the racial disparate impact of this containment. In an April 25, 2025 broadcast, Supervisor Mahmood stated on the record that "neighborhoods like SOMA have borne the brunt of the responsibility, identifying them as communities of color, immigrants, and refugees" (video 0:34). During the May 6 introductory hearing, he further described this exclusionary system: "Right now neighborhoods like the Tenderloin, SOMA, the Mission, and the Bayview provide a majority of the city's shelter beds... This overconcentration isn't only straining our communities' schools, businesses and public spaces... in several districts there are literally zero emergency shelters" (video 2:15:46, transcript).
- **District 6 Representative Statements (July 16, 2025):** The Supervisor representing SOMA corroborated this localized burden on the record: "Historically our respective districts have taken a disproportionate share of homeless services... I've seen in District Six that concentrating our vulnerable populations **can too often exacerbate rather than solve issues related to homelessness**" (video 2:08:26, transcript).
- **Legislative Acknowledgment of "Decades of Blight"** (July 29, 2025): Supervisor Connie Chan clearly stated that this saturation degrades protected neighborhoods: "*Neighborhoods such as Tenderloin and South of Market have shouldered the burden of providing shelter and services to unhoused individuals in our city. This has resulted in decades of saturation of blight in these neighborhoods, and the data confirms the saturation.*" Acknowledging the disparate harm, Supervisor Chan concluded: "*I would rather support a shelter moratorium for saturated neighborhoods as we continue to solve homelessness citywide.*" Stating on the legislative record that municipal policies warrant a statutory moratorium establishes that the City is failing its mandate to transform concentrated areas of poverty into areas of opportunity (video 21:13, transcript).
- **Board President's Endorsement of Exclusionary Siting:** During the final floor debate, Board of Supervisors President Rafael Mandelman explicitly acknowledged the severe damage caused by the City's concentration policies, yet weaponized that exact harm to justify protecting other neighborhoods from integration. Admitting that facilities have been overly concentrated and have severely impacted a few neighborhoods, he officially validated the exclusionary neighborhood pushback that drives this segregation, stating: "I think it is not unreasonable for neighborhoods in San Francisco to see what has happened in some neighborhoods and say under no circumstances here."

  The City's own 2022 Housing Element identifies community opposition as a primary factor driving racial and economic segregation. By publicly endorsing this opposition as not unreasonable, and reassuring his colleagues that "we don't want to see shelters dotting the land and creating the impacts in all of the neighborhoods," the Board President acknowledges that the City actively yields to exclusionary neighborhood pressure in

direct defiance of the Gov. Code § 8899.50 mandate to achieve truly integrated and balanced living patterns (video 33:26, transcript, news coverage).

The One City Shelter Act documents this disparate impact but establishes no affirmative steps to reverse it. When introduced in April 2025, the legislation mandated that every supervisorial district build at least one shelter and established a strict 1,000-foot buffer zone between facilities to prevent localized concentration. The Board of Supervisors intentionally stripped both enforcement mechanisms from the final enacted law. Under Gov. Code § 8899.50, a municipality cannot fulfill its AFFH obligations by simply capping a containment zone to maintain the segregated status quo; it has a statutory duty to take meaningful actions to replace those segregated living patterns. Instead, the City relies on this gutted legislation to simulate compliance, while utilizing loopholes to bypass it (such as the 444 6th Street approval detailed in Section XII).

5. Preference for Convenience Over Equity
In a December 2025 investigative report by ABC7 News regarding the saturation of services in SOMA, District 6 Supervisor Matt Dorsey explicitly admitted that the City concentrates services in SOMA not because it is equitable, solely "because it's on a transit corridor. It's convenient" and that "this is something that has gone on for decades." (timestamp 2:16) Siting highly acute facilities based on administrative convenience and historical containment, rather than the AB 686 mandate to "transform racially and ethnically concentrated areas of poverty,' violates state fair housing law. (ABC7 Article | ABC7 Video)

6. Acknowledgment of Ongoing Exclusion (Dec 2025)
The City cannot use the future promises of the Family Zoning Plan as a legal shield to excuse its present-day AFFH violations in SOMA. In the finalized December 2025 Affordable Housing Sites Analysis and Strategies (AHSAS) Report, the Planning Department explicitly documented that the City's current discretionary funding decisions actively perpetuate segregation. This practice is detailed across two distinct findings within the report:

- **Acknowledgment of an Exclusionary Pipeline:** The Department published that the existing affordable housing pipeline is "primarily concentrated in Supervisorial Districts 5, 6, 9, and 10", and concluded that "This pattern continues the exclusion of affordable multifamily housing from HOAs [Housing Opportunity Areas]" (AHSAS Final Report, p. 5). The City's own record demonstrates its active development pipeline currently operates in direct violation of the State's Affirmatively Furthering Fair Housing mandate, reinforcing the SOMA containment zone while delaying integration on the West Side.
- **Just "One Project" Pretext:** To address this documented segregation, the report establishes a "flexible target of at least one affordable housing development in the development pipeline in all Supervisorial Districts" (AHSAS Final Report, p. 7, 42)**.** Proposing a highly discretionary, single-project target for exclusionary neighborhoods while authorizing *thousands* of high-acuity beds in the SOMA Priority Equity Geography establishes that the City lacks genuine intent to "replace segregated living patterns."

7. Admission of Inequity (Jan 2026 HSH Report)
As established in Section III, the City's Department of Homelessness and Supportive Housing (HSH) published an equity analysis in January 2026 officially documenting SOMA's severe, disproportionate service burden. By publishing this data, the City formally admitted its policies

force a single Priority Equity Geography to act as a catch-all for the unmet needs of other neighborhoods. Utilizing this internal analysis to explicitly acknowledge the harm, only to immediately approve new high-acuity facilities in the exact same SOMA footprint in February 2026 (detailed in Section VI), constitutes a textbook administrative admission of bad faith.

8. Admissions of Containment and West Side Insulation
The Board of Supervisors has explicitly acknowledged both mechanisms of the City's segregated siting model: the artificial insulation of the West Side, and the resulting artificial containment of poverty in the East:

- **West Side Insulation (October 2023)**: During a formal policy discussion on October 24, 2023, District 7 Supervisor Myrna Melgar stated on the public record that the City has systematically shielded the West Side from carrying its fair share of the homelessness burden, stating: "The bulk of services are concentrated downtown and on the east side of the city... We have almost no non profits that connect people to help and no regular outreach by the various city teams that address these issues" on the West Side (video 16:15, transcript, item).
- **East Side Containment (December 2025):** The Board formally confirmed the consequences of this insulation two years later. On December 2, 2025, the Board introduced a hearing specifically titled "City Departments Treating District 10 as a Containment Zone" (Hearing File 251199). This legislative action serves as a formal admission by the City's own governing body that its departments systematically target specific Eastern and Southeastern neighborhoods (D6 and D10) to concentrate the services and populations deliberately excluded from the West Side.

9. Lofty Rhetoric vs. Affirmative Action: Perpetuating Harm
Despite placing these admissions on the public record, City leaders have yet to to correct their exclusionary practices. In March 2025, the Board of Supervisors unanimously passed Resolution 108-25, officially acknowledging the "inequitable distribution" of services and pledging to "implement a fair distribution of new homeless shelters across all districts." They followed this with the aforementioned admissions of "sacrifice zones" and "decades of blight" during their July 2025 hearings.

However, the City's subsequent legislative actions further the concentration of services. Despite this lofty political rhetoric, the Board of Supervisors next utilized their discretionary power to approve millions of dollars in new facilities and contract extensions directly inside the SOMA containment zone with unanimous board votes. Placing admissions of severe neighborhood harm on the public record, only to immediately vote to perpetuate that exact harm, demonstrates a willful, premeditated intent to violate the Affirmatively Furthering Fair Housing (AFFH) mandate. The City's rhetoric of equity is actively used as a pretext to obscure an ongoing legislative practice of segregation.

VI. Active Material Inconsistency with AFFH (Gov. Code § 8899.50): 2023 to 2026 Actions

The City adopted its 2022 Housing Element on January 31, 2023 (Ordinance 010-23). The following day, on February 1, 2023, the California Department of Housing and Community Development (HCD) issued its official letter of compliance. In that letter, HCD issued a definitive regulatory warning: "*Any*

lack of effective implementation or actions inconsistent with the housing element, at any time, will trigger an immediate review of the housing element... HCD may revoke housing element compliance if the local government's actions do not comply with state law."

The administrative record establishes that the City entered this compliance period fully aware of SOMA's extreme baseline inequity because it actively engineered it through the geographic steering of its Inclusionary Housing Program. Historically, rather than enforcing on-site integration within market-rate developments in high-resource neighborhoods, the City routinely permitted developers to export their affordable housing obligations directly into the SOMA containment zone.

A defining example of this engineered baseline is 1400 Mission Street (Planning Case No. 2011.1043C). To satisfy the inclusionary housing requirements for the Lumina development (201 Folsom Street) in the high-resource Rincon Hill neighborhood, the City authorized the off-site construction of 190 affordable units at 1400 Mission Street, located nearly two miles away in the heavily saturated SOMA corridor (HUD Case Study).

The City established an administrative baseline of segregation when it permitted high-resource developments to geographically export their low-income obligations into SOMA. When the City adopted its 2023 Housing Element, it was legally mandated under Gov. Code § 8899.50 to reverse this exact historic pattern. Instead, the current active pipeline confirms the City systematically targets SOMA with high-acuity housing types (SROs and Homeless Units):

- Knox SRO (241 6th St): 140 units (100% affordable), including 64 Homeless Units.
- The Dudley Apartments (172-180 6th St): 75 units (100% affordable), including 25 Homeless Units.
- The Rose (125 6th St): 76 units (100% affordable), 75 SRO units.
- 160 Freelon: 85 units (100% affordable), including 22 Homeless Units.
- 921 Howard Street: 201 units (100% affordable).
- 475 Minna Street: 266 units total, with 109 restricted affordable units (41%).

This geographic steering produces a severe, documented disparate racial impact. On May 6, 2024, the Mayor's Office of Housing and Community Development (MOHCD) testified to the Board of Supervisors that 48% of all African American households and 23% of Latino households in San Francisco are Extremely Low Income (ELI)(File No. 240243, slide 3)By systematically concentrating its ELI housing pipeline exclusively into SOMA, the City actively segregates its Black and Brown populations into a designated containment zone, triggering disparate impact violations under state and federal fair housing laws.

Because Gov. Code § 65583 explicitly requires jurisdictions to affirmatively further fair housing in the siting of emergency shelters and transitional housing, the City's localized concentration of these specific facilities constitutes a direct violation of its certified Housing Element.

Despite HCD's explicit February 2023 warning, the chronological record confirms the City immediately proceeded to accelerate this containment strategy. The timeline of this active material inconsistency is as follows:

1. Emergency Exemptions and Administrative Entrenchment (May 2023)
The City actively finances the acceleration of this containment strategy. On May 19, 2023, the Board of Supervisors passed Resolution 246-23, authorizing a $37,072,314 grant agreement to operate the 180-unit Baldwin SAFE Navigation Center, located directly within the SOMA containment zone at 6th and Mission Streets.

To expedite this concentration, the City invoked Ordinance No. 061-19, bypassing standard competitive bidding and administrative procurement requirements. By utilizing emergency exemptions to authorize over $37 million for high-acuity shelter operations in SOMA through June 2026, while concurrently allocating zero comparable facilities or funding to high-resource neighborhoods, the City demonstrates a conscious, ongoing financial commitment to geographic segregation. This massive capital deployment establishes that the containment of poverty in SOMA is a deliberate administrative strategy.

2. Immediate Post-Adoption Spending Spree (June–July 2023)
Mere months after adopting the Housing Element, the City authorized nearly $150 million in discretionary funding to further concentrate poverty in SOMA. This rapid capital deployment establishes that the City's AFFH commitments were pretextual. The chronological record of this active material inconsistency includes:

- Resolution 290-23 (June 6, 2023): Authorized a $47.4 million increase to the Department of Public Health's master contract with Conard House for behavioral health services, bringing the total to $92.3 million. Rather than utilizing this contract expiration to mandate geographic redistribution to high-resource neighborhoods, the City affirmatively extended the operator's term through December 2027. The administrative record confirms this master contract funds a network of high-acuity sites entrenched entirely within the SOMA and Tenderloin containment zones, explicitly including the Plaza Apartments (988 Howard Street), the Washburn Residence (38-42 Washburn Street), El Dorado Hotel (150 Ninth Street), and Community Services South (154 Ninth Street). This discretionary authorization legally locks multi-site, high-acuity operations into SOMA for an additional four-and-a-half years.
- Resolution 296-23 (June 6, 2023): On the same day the City extended the Conard House contract, the Board authorized an $8.6 million increase to the Community Forward SF master contract. This action funded high-acuity behavioral health services for the 56-bed "A Woman's Place" transitional housing facility at 1049 Howard Street (SOMA) and its associated drop-in center in the Mission. The BLA report acknowledges the drop-in center was facing a forced lease termination event, the precise operational trigger requiring a geographic equity assessment under AB 686. Instead of utilizing this displacement to relocate the facility to a high-resource neighborhood, the City bypassed the assessment and affirmatively extended the contract to maintain the existing containment footprint.
- Resolution 307-23 (June 16, 2023): Increased a grant agreement with Tenderloin Housing Clinic by $24.3 million and extended terms through 2026. This agreement specifically funds the National Hotel (1139 Market Street) in SOMA, effectively locking in three more years of concentration just five months after promising to deconcentrate.
- Resolution 358-23 (July 20, 2023): Authorized the $27.2 million purchase of 1174-1178 Folsom Street and 663 Clementina Street for the Department of Homelessness and Supportive Housing (HSH). This direct municipal acquisition actively expanded the City's footprint in the containment zone.
- Resolution 360-23 (July 20, 2023): Authorized a retroactive agreement for over $50 million in Project-Based Vouchers at 333 12th Street (City Gardens). Administrative records document the City spent $147.5 million to acquire this 200-unit building in 2022, immediately prior to adopting the Housing Element. By subsequently executing this $50 million voucher agreement in July 2023, the City legally locked in this concentration site

for an additional 20 years (through 2043), in direct contravention of the AFFH deconcentration mandate it had adopted just six months prior.

3. Expansion of Existing PSH Contracts (Oct 2023–May 2024)
The City continued to authorize massive capital infusions into existing supportive housing operations along the saturated 6th Street corridor without any deconcentration analysis.

- Resolution 484-23 (Oct 19, 2023): Increased a grant agreement with Episcopal Community Services by $20.8 million for permanent supportive housing primarily in SOMA.
- Resolution 485-23 (Oct 19, 2023): Increased funding for the Henry Hotel (106 6th Street) by $4.8 million (totaling $14.6 million).
- Resolution 255-24 (May 17, 2024): Authorized an increase of $10.8 million (totaling $18.3 million) for the Minna Project at 509 Minna Street. City records confirm this is a 75-bed transitional step-down facility specifically designated for justice-involved adults with severe behavioral health and substance use needs. This amendment proactively extended the contract through April 2027, continuing to lock extreme high-acuity services into the SOMA containment zone for another three years.

4. Federal Funding Directed to Saturated Sites (Oct 2024)
The City leveraged federal HUD funds to further entrench poverty in SOMA sites.

- Resolution 522-24 (Oct 30, 2024): Approved a $61.1 million HUD Continuum of Care grant application. This funding specifically supports operations at Hotel Isabel (1095 Mission Street) and Knox SRO (241 6th Street), ensuring these high-concentration sites remain active in the neighborhood.

5.Affirmative Hyper-Concentration (Dec 2024)
Rather than utilizing expiring contracts and discretionary funding to transition high-acuity resources to well-resourced neighborhoods, the City actively legislated the hyper-concentration of multiple facilities along a single SOMA corridor during the exact same legislative window.

- Resolution 606-24 (Dec 12, 2024): The Board of Supervisors authorized a $17.5 million grant increase (totaling $43.5 million) for the Multi-Service Center South (MSC South) at 525 5th Street, extending its operations through June 2026. The City's own Budget and Legislative Analyst officially acknowledges that MSC South is "the largest shelter in San Francisco."
- Resolution 610-24 (Dec 12, 2024): On the exact same day, the Mayor approved a $2.7 million grant increase (totaling $12.7 million) for HomeRise to operate the 5th and Harrison Transitional Living Program at 374 5th Street, extending its term through December 2025.

Simultaneously allocating over $20 million for two high-acuity facilities on a single SOMA corridor entrenches segregated living patterns.

6. "Emergency" Bypass and the 1,500 Bed Blank Check (Feb–Apr 2025)
In February 2025, the City enacted Ordinance 010-25 (Administrative Code Chapter 21B), leveraging a *Fentanyl State of Emergency* to systematically dismantle public oversight mechanisms. The legislation suspended competitive procurement and stripped the BOS of standard lease approvals for Core Initiatives. The City's Budget and Legislative Analyst

explicitly warned the Board that passing this law would allow the Mayor to sign leases "in any neighborhood... without the review, approval, or knowledge of the district Supervisor" (page 25). During the February 4, 2025 Board of Supervisors meeting, Supervisor Shamann Walton condemned the administration's failure to provide a geographic distribution plan, stating on the record: "We don't have a plan in front of us that details what the mayor's team plans to do... So we are talking about the possibility of a blank check... I have been told this is a plan to get 1500 beds. Where, how?" (video 24:58, transcript).

The moment the City secured this unchecked power to bypass geographic scrutiny, it immediately defaulted to its illegal containment strategy. On February 12, 2025, the Mayor announced the first emergency facility: a 24/7 police drop-off center at 822 Geary Street, located in the highly saturated Tenderloin.

On April 25, 2025, the Mayor's office issued a public statement claiming the administration was implementing a data driven strategy to identify equitable sites. Five days later, on April 30, 2025, the Mayor contradicted this stated strategy by announcing the expedited opening of 279 new emergency recovery beds. Revealing the true geographic intent of the blank check, the City funneled over 75 percent of this emergency capacity (211 beds) directly into four sites in the SOMA containment zone: The Kean (1018 Mission Street), The Sharon (226 6th Street), James Baldwin Place (364 9th Street), and Harbor Light (1275 Harrison Street). Tellingly, the Mayor rushed this SOMA expansion using emergency powers at the exact moment the Board of Supervisors was debating legislation that would legally ban new shelters within 1,000 feet of existing ones and mandate geographic distribution to all districts. Utilizing emergency powers to evade geographic oversight and preempt anti-concentration legislation violates Gov. Code § 8899.50.

7. HealthRight 360 Master Contract Renewal (May 2025)
The Board of Supervisors unanimously authorized a $141 million increase to the Department of Public Health's multi-site master contract with HealthRight 360, bringing the total to over $305 million (Resolution 210-25). Under AB 686, the City must utilize expiring contracts to relocate high-acuity sites into well-resourced neighborhoods. Instead, this amendment extended the operator's term through 2028 without requiring geographic redistribution, affirmatively renewing operations at high-acuity facilities directly inside eastern containment zones like 1016 Howard Street in SOMA. Rather than utilizing this expiration to enforce equity, the City actively locked the existing saturation in place.

8. Legislative Expansion of Interim Housing (June 2025)
In the same month it extended Master Leases, the City passed Ordinance 098-25 (June 27, 2025), amending planning codes to facilitate "Interim Housing" in hotels without losing their tourist classification. The accompanying HSH presentation explicitly named Civic Center Motor Inn (364 9th Street) and Sharon Hotel (226 6th Street) as expansion sites. This legislative act added 111 new recovery-focused beds (89 at 9th St, 22 at 6th St) directly into the SOMA saturation zone.

9. Contract Renewals for Saturated Sites (June–Dec 2025)
Despite acknowledging that SOMA is the epicenter of "deep saturation," the City affirmatively chose to extend and expand funding for high-acuity sites in this exact zone through 2028 and 2029.

- Resolution 209-25 (May 6, 2025): Authorized a $19.7 million funding increase to the Community Forward SF master contract (totaling $42 million), extending operations through June 2028. Demonstrating a systemic refusal to enforce fair housing mandates, the City utilized this second contract expiration window to explicitly lock the 56-bed transitional housing facility into its 1049 Howard Street location in SOMA.
- Resolution 270-25 (June 6, 2025): Increased the grant for Master Lease Hotels (Alder Hotel at 175 6th St and Hillsdale Hotel at 51 6th St) by $25.1 million.
- Resolution 581-25 (Dec 17, 2025): Increased the grant for the Sanctuary Shelter (201 8th Street) by $15.1 million (totaling $40.9 million) and extended terms through June 2028. By utilizing discretionary funds to proactively lock in this massive 200-bed congregate shelter inside the SOMA containment zone for another three years, the City took affirmative action to perpetuate, rather than replace, segregated living patterns.
- Resolution 608-25 (Dec 23, 2025): Increased the contract for the Medical Respite and Sobering Center (1171 Mission Street) by $22.3 million (totaling $32.3 million) and extended terms through June 2029. This locks in medical respite services in the containment zone for the remainder of the decade.

10. Disparate Application of State Streamlining (Sept 2025)
While the City subjects West Side affordable housing to years of regulatory attrition, it selectively deploys state streamlining laws to instantly permit high-acuity facilities in SOMA. In September 2025, the Department of Homelessness and Supportive Housing (HSH) invoked by-right streamlining (AB 101) to relocate a 60-unit Recovery Cabin village specifically designated for fentanyl users to 428 11th Street in SOMA.

Official City records confirm the Planning Department cleared the CEQA AB 101 Exemption on September 4, 2025, and the Department of Building Inspection approved the site building permit over-the-counter just eight days later on September 12, 2025. While utilities challenges ultimately forced the City to abandon this specific site, the City's formal issuance of approvals in just eight days exposes a dual regulatory system. The City intentionally leverages state streamlining to fast-track deeper concentration in its Eastern Priority Equity Geographies, while refusing to utilize those same administrative tools to integrate the affluent West Side.

11. 2026 Approvals: Defiance of Warnings and Procedural Bad Faith
In a September 9, 2025 letter to the San Francisco Planning Director, HCD explicitly warned the City that its housing element compliance was predicated on commitments to accommodate housing "primarily in Well-Resourced Neighborhoods," cautioning that altering the spirit of these programs could "require a compliance review."

In direct defiance of this written warning, the City continues its pattern of material inconsistency in the current year by aggressively opening new high-acuity facilities in SOMA:

- Resolution 010-26 (Jan 23, 2026): Authorized a $10.5 million subsidy for a new site at

967 Mission Street.

- Resolution 008-26 (Jan 20, 2026): Authorized $6.3 million in state bond funding for behavioral health infrastructure at 333 7th Street.
- Resolution 063-26 (Feb 17, 2026): The Mayor signed a $14.5 million contract for the RESET Center at 444 6th Street.

The approval of 444 6th Street demonstrates explicit procedural bad faith. The facility sits on the exact same 6th Street corridor as multiple other high-acuity sites listed in this complaint. The City rushed this approval despite formal written warnings to the Board and City Attorney that the legislation was procedurally defective because it lacked the mandatory Waiver Resolution required by the City's own anti-saturation law (Administrative Code Chapter 124.2). To bypass this control, the City arbitrarily claimed the site was a "carceral facility," intentionally manipulating definitions to force high-acuity services into a state-designated Priority Equity Geography (SF Examiner, February 2026).

The pretextual nature of this classification is proven by the City's own executives. In a January 2026 public announcement, Sheriff Paul Miyamoto explicitly promoted the facility as an "alternative to jail" and "not a drunk tank," while Mayor Daniel Lurie stated it was a health intervention "instead of cycling through jails" (SF Examiner, January 2026). Statutorily classifying a building as a jail to evade fair housing laws, while publicly admitting it is not a jail, constitutes textbook administrative bad faith.

12. Pending June 2026 Renewals: Imminent Entrenchment of Saturated Sites
The City is currently advancing the renewal of additional high-acuity facilities directly inside the SOMA containment zone. The Department of Public Health has proposed renewing operations for Central City Hospitality House (181 6th Street) and SOMA RISE (1076 Howard Street), both of which possess contracts expiring on June 30, 2026. A March 2, 2026, DPH presentation explicitly confirms the City intends to maintain Central City Hospitality House with "no impact on services" by shifting its funding sources. By proactively advancing multi-year renewals for these specific saturated sites without conducting a geographic equity analysis or presenting a relocation plan to a well-resourced neighborhood, the City is engaged in an ongoing, imminent violation of its AFFH mandate.

VII. Administrative Acknowledgement of Failure to Implement (April 2025)

Under Gov. Code § 65585(i), HCD is authorized to revoke Housing Element compliance if a jurisdiction fails to implement its adopted program actions. The administrative record establishes that the City is actively utilizing procedural delay to evade implementing its AFFH siting mandates.

When HCD approved the City’s Housing Element in early 2023, that compliance finding was predicated on the City’s programmatic commitment to reform its affordable housing site selection to target well-resourced neighborhoods. Yet, **more than two years later**, on April 15, 2025, the Board of Supervisors enacted Resolution 167-25. The legislation operates as a formal administrative admission that the City still lacks a siting plan, resolving to urge the Planning Department and MOHCD to "finalize the Affordable Housing Sites Strategy" in order to "advance the goals of the 2022 Housing Element and Affirmatively Furthering Fair Housing".

The administrative record also documents that Mayor Lurie returned this resolution to the Board unsigned, allowing it to take effect without his approval, signaling the Executive Branch's active refusal to endorse the finalization of an equitable siting strategy.

By intentionally stalling the "Affordable Housing Sites Strategy" for years, the City ensures its de facto siting policy defaults to the continued geographic steering of high-acuity developments into the SOMA containment zone. The City utilizes administrative delay as a mechanism of exclusion, maintaining active segregation while claiming to be "studying" integration.

VIII. Suppression of Economic Integration and Realistic Capacity (AB 1397 & SB 79)

Under Action 8.1.6 of the certified Housing Element, the City possesses a mandatory duty to refrain from imposing new governmental constraints that reduce project financial feasibility, unless explicitly offset by the removal of other constraints. The City is actively violating this commitment. Through the SB 79 Alternative Plan and the Family Zoning Plan (Ordinance 245-25), the City is legislating new, localized constraints specifically designed to permanently exempt SOMA from ministerial streamlining.

On February 10, 2026, Mayor Lurie introduced Ordinance File No. 260132, an "Alternative Plan" to Senate Bill 79 (SB 79) designed to exempt the jurisdiction from default state transit housing mandates. This legislation actively prevents economic integration in SOMA.

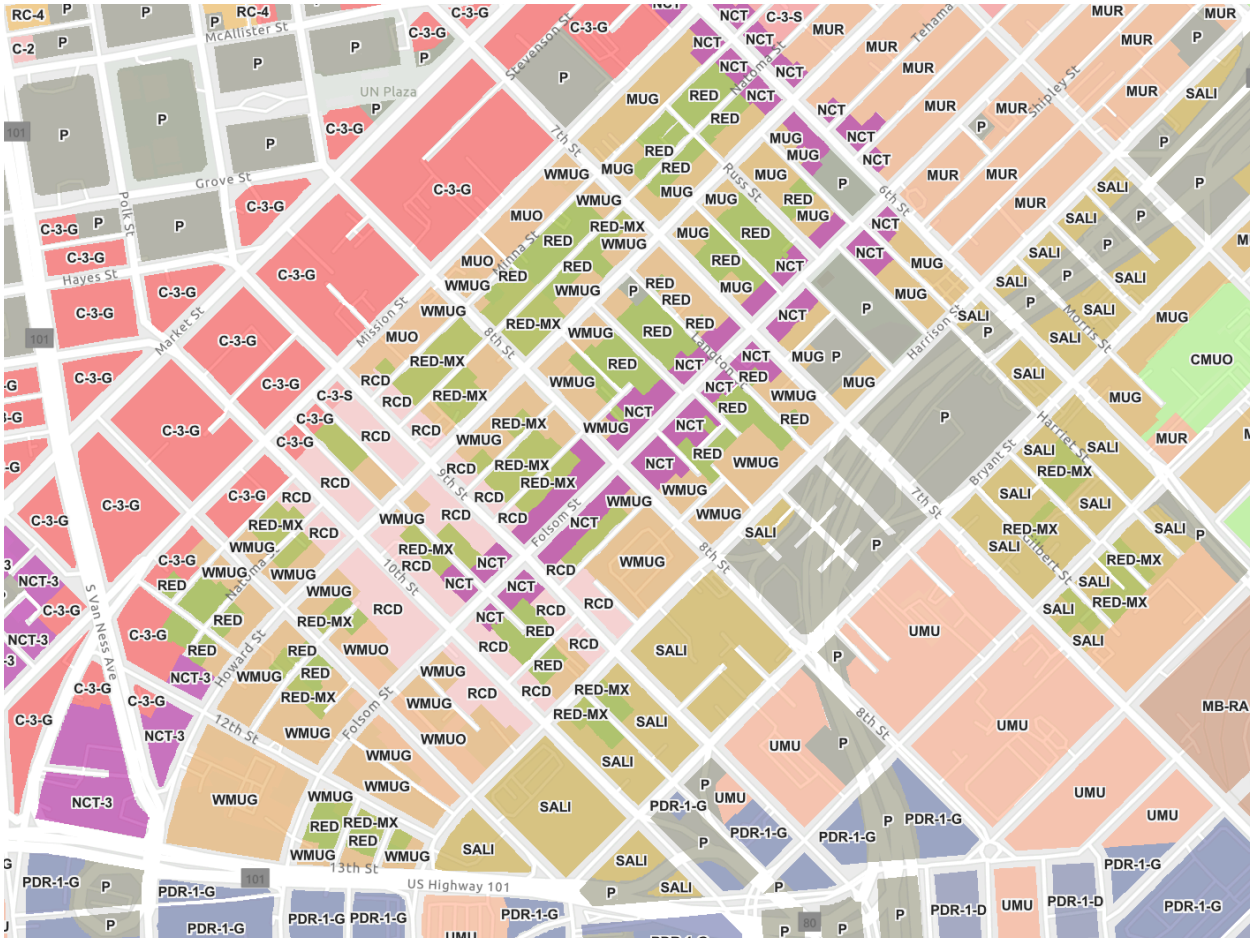
1. SALI Exemption and Statutory Contradictions

The ordinance permanently excludes SOMA parcels zoned SALI, PDR, and WMUO from the Alternative Plan by classifying them as "industrial employment hubs". To secure state approval for an Alternative Plan, a jurisdiction must demonstrate all included parcels allow at least 50 percent of the baseline SB 79 density. Including SALI parcels would legally require the City to permit residential housing on those sites.

Exempting SALI shields the City's exclusionary zoning from state scrutiny and creates a direct statutory contradiction. The administrative record establishes this contradiction was deliberately engineered. Through Ordinance No. 061-19, the City amended Planning Code Section 836 to principally permit Homeless Shelters in SALI and PDR districts, while Section 803.8 permits 100 percent Low-Income Affordable Housing. Having actively modified the zoning code to utilize SOMA's industrial parcels for localized shelter concentration, the City now relies on that exact same industrial classification to permanently ban mixed-income housing.

The administrative record confirms the City actively exploits this loophole: in September 2025, the City utilized the SALI zoning of 428 11th Street to bypass CEQA and permit a 60-unit Low-Barrier Navigation Center. The City cannot legally classify SOMA as an "industrial hub" to evade state housing mandates while simultaneously rewriting the zoning code to utilize it as a residential zone for high-acuity facilities. Shielding these sites from SB 79 mandates protects commercial blight (violating Sec. 145.1) and prevents their redevelopment into equitable, mixed-income infill.

SOMA West Zoning Districts Map



2. WMUG Capacity Claims and Statutory Contradictions

For SOMA parcels not permanently exempted, the City utilizes the Alternative Plan to claim density capacity while maintaining discretionary barriers. This methodology is contradicted by the text of Ordinance File# 260132. The legislation's title and Legislative Digest state the City is permanently excluding WMUG parcels from SB 79 by classifying them as "industrial employment hubs." However, the codified "Table of Permanent Exclusions" contains zero WMUG parcels.

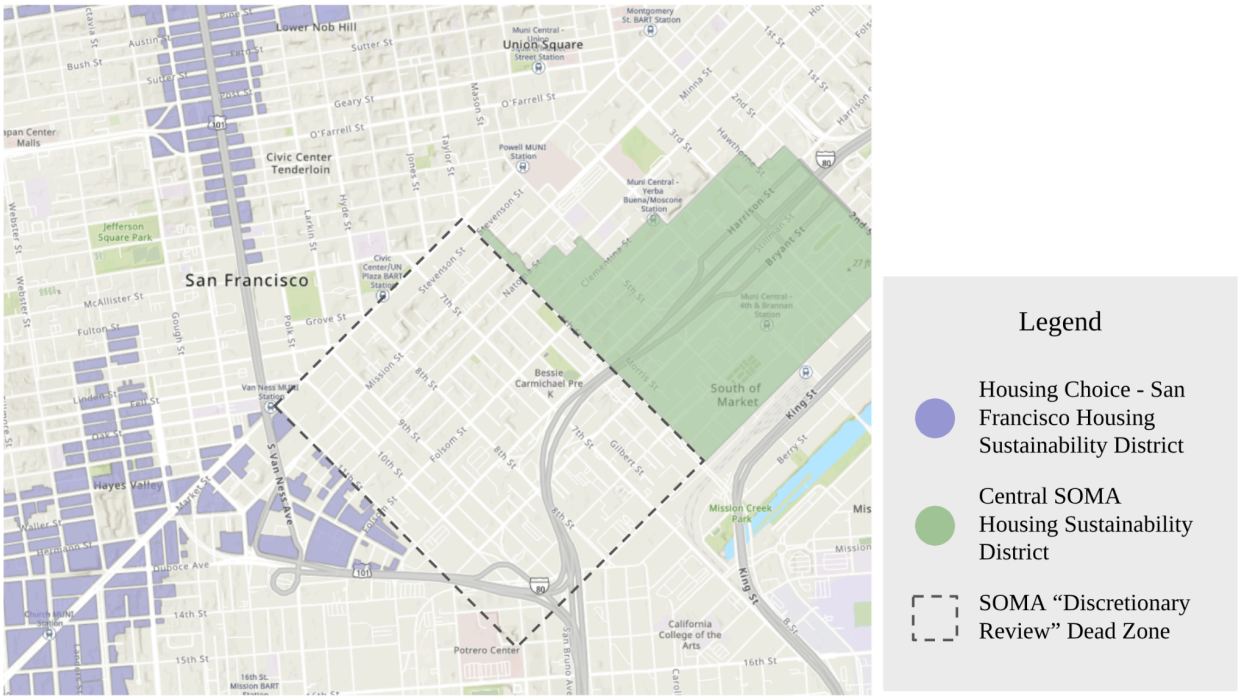
Instead, the City placed these WMUG parcels onto its "Table Demonstrating Housing Capacity" to satisfy the State's Alternative Plan requirements. The City cannot statutorily define WMUG as an "industrial hub" to evade state mandates while concurrently relying on those identical parcels for residential capacity. For instance, the City claims 10 units of capacity on the WMUG-zoned Block 3729 / Lot 001 under existing zoning, exceeding the SB 79 baseline of 8 units.

This internal contradiction invalidates the City's capacity methodology. By claiming capacity on paper while subjecting those same parcels to discretionary review, the City denies them the ministerial streamlining mandated by state law. Consequently, these units lack the "realistic capacity" required by state housing element law (AB 1397).

3. Ministerial Exclusion of SOMA West

The City suppresses economic integration in SOMA West through the disparate application of Housing Sustainability Districts (HSDs). Under Gov. Code § 66200, an HSD grants housing projects streamlined, ministerial approval within 120 days, exempting them from CEQA and discretionary hearings. The City established the Central SOMA HSD east of 6th Street and recently enacted the Housing Choice HSD to streamline development west of 11th Street.

San Francisco Housing Sustainability Districts Map (February 2026)



SOMA West Remains Excluded from Ministerial Review.

SOMA West, situated directly between these two districts, was excluded. By denying SOMA West an HSD, the City subjects potential mixed-income development to its discretionary review process. The City's Housing Element documents that code-compliant projects in Western SoMa face average permit timelines of 854 days due to discretionary and CEQA delays. This **854-day** timeline acts as a prohibitive barrier to private investment and the remediation of commercial blight, particularly when **120-day** ministerial approval is available blocks away.

Local discretionary review stalls mixed-income development. Conversely, 100 percent affordable housing and homeless shelters in SOMA West bypass these delays via state ministerial streamlining (SB 35 and AB 101). By withholding a local HSD from SOMA West, the City maintains a regulatory framework where the only economically viable projects are those that further concentrate poverty.

4. Resulting Environmental Justice Violations

By relying on SOMA's capacity to satisfy state mandates while suppressing its actual economic integration, the City perpetuates the neighborhood's status as a segregated Priority Equity Geography. The City's General Plan documents that SOMA is severely deficient in public open

space, with nearly 90 percent of the area covered in impervious surfaces.

Concentrating high-acuity facilities in an infrastructure-deficient area, while actively preventing the mixed-income development required to remediate commercial blight and fund community amenities, constitutes a direct violation of environmental justice mandates.

IX: Localized Economic Suppression: 6th Street Corridor Zoning

The City's containment strategy is enacted through hyper-targeted, localized economic suppression. The SOMA Neighborhood Commercial Transit (NCT) zoning district, which governs the notoriously troubled 6th Street corridor, is engineered to make private investment and mixed-income development impossible. The zoning text codifies a regulatory environment that starves the neighborhood of market-rate capital, preserving it as a segregated disparate impact zone.

1. Disproportionate Inclusionary Housing Requirements
To prevent economic integration, the City imposes a severe inclusionary housing tax that applies specifically to this corridor. While the baseline citywide requirement for projects of 25 or more units is 18% on-site for rentals and 20% for ownership, the City intentionally penalizes the SOMA NCT district by forcing developers to provide 25% on-site for rentals and 27% for ownership (San Francisco 2024 Housing Inventory Report, p.46). While the City passed emergency legislation in September 2023 (Ordinance 187-23) temporarily reducing this rate to 15%, that relief strictly sunsets for projects approved after November 1, 2026. Because housing entitlements take years to secure, this looming reversion to the 25/27% baseline permanently chills new market-rate investment.

The City explicitly understands this exclusionary effect. The 2023 temporary reduction was passed specifically because the City admitted it needed "to improve the feasibility of residential development". The City's own Housing Element data confirms that these inclusionary requirements cause a "wider cost gap between market-rate and affordable units and is making it more difficult to provide middle-income housing" (p.62). By engineering a localized zoning environment where long-term private development is suffocated by extreme below-market-rate mandates, the City actively destroys the financial feasibility of building the mixed-income housing required to integrate the neighborhood.

2. Imposed Restrictions on Commercial Revitalization
The SOMA NCT code actively prevents the corridor from developing the robust, daytime pedestrian traffic required to displace open-air drug markets. The zoning code enforces a "small-scale" trap by tightly capping business footprints. Commercial uses are only principally permitted up to 4,000 square feet. Any commercial use of 4,001 square feet or above triggers a mandatory Conditional Use Authorization (CUA), subjecting employers and grocery stores to a hostile discretionary review process.

The code strictly prohibits most commercial uses above the second story and explicitly bans new non-retail commercial uses. This forces continuous ground-floor retail on a street where intense, lethal narcotics markets make attracting retail tenants nearly impossible. The City legally forces developers to build unviable retail spaces, guaranteeing the storefronts remain vacant and blighted.

3. Penalties for Lot Consolidation While Accommodating Shelters

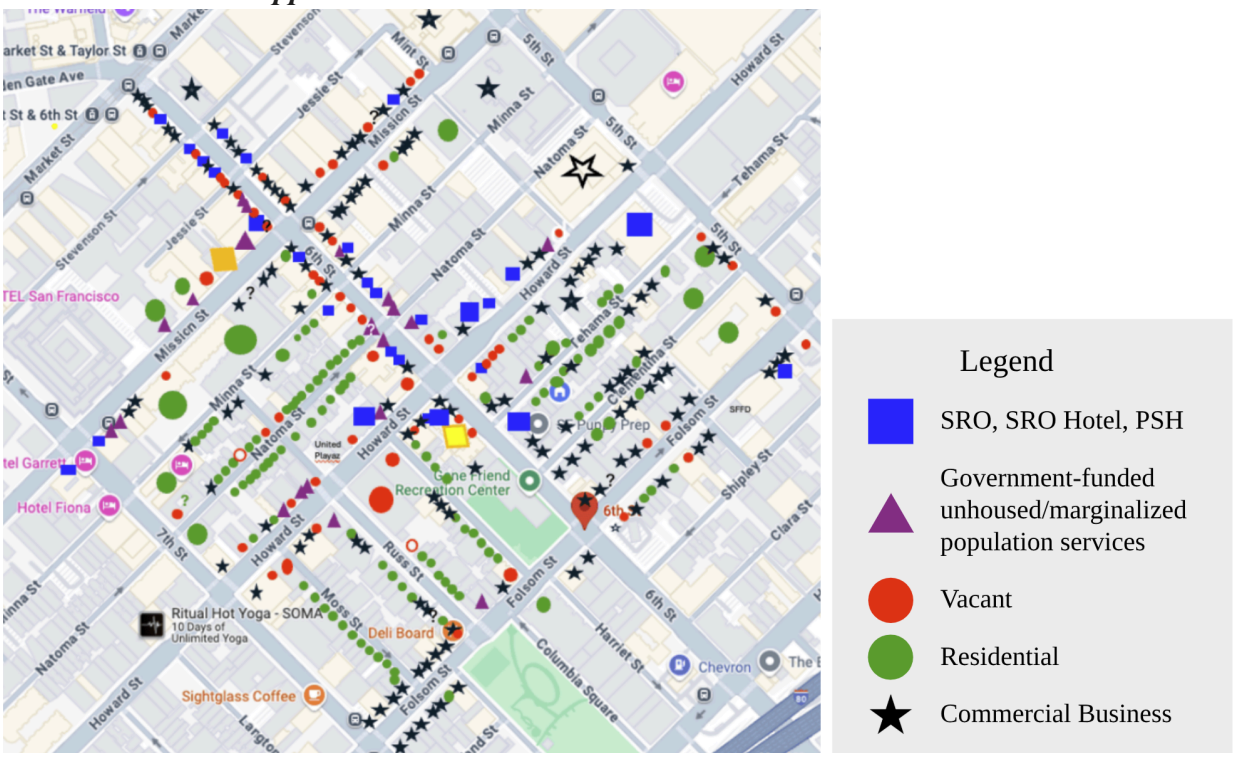
Transformative redevelopment of dormant corridors requires assembling smaller blighted lots into a single, viable development footprint. However, the SOMA NCT code penalizes this exact type of revitalization. Any development on a lot size of 10,000 square feet or more requires a CUA, instantly throwing developers into the discretionary review trap.

The code restricts commercial square footage, lot sizes, and multi-story business uses, yet explicitly accommodates disproportionate service concentration. Homeless Shelters are permitted within the SOMA NCT, and their density limits are regulated separately by the Administrative Code rather than the strict SOMA NCT use sizes.

4. Mechanisms of Economic Suppression

The SOMA NCT zoning code provides the exact mechanism the City uses to lock 6th Street in a cycle of extreme poverty. The City has intentionally engineered a zoning environment where private economic revitalization is financially unviable. Because market-rate developments cannot financially accommodate the 27 percent inclusionary tax, the 4,000-square-foot commercial caps, and the ban on non-retail uses, the private market is forced to abandon the corridor.

Economic Suppression: 6th Street Corridor Vacancies and SRO Concentration



Source: Parcel analysis of the 6th Street Corridor
detailing the intersection of SROs, city services, and commercial vacancies.

This map confirms the success of the City's economic suppression strategy. Depressed land values leave the door wide open for the City to easily acquire distressed properties and fill them with 100 percent affordable housing and shelters, while ground-floor commercial spaces remain entirely blighted. State guidelines explicitly identify the "Lack of community revitalization strategies" and "Lack of private investments in specific neighborhoods" as fundamental drivers of segregation.

By engineering a zoning code that legally mandates both of these conditions on 6th Street, the City is utilizing textbook exclusionary zoning to perpetuate an illegal disparate impact zone.

X. Severe Negative Externalities and Failure to Transform Priority Equity Geographies

AB 686 mandates the transformation of impacted areas through place-based investments. Instead, the City is aggressively scaling PSH in SOMA while systematically under-resourcing the neighborhood, resulting in a documented degradation of baseline habitability.

1. Disparate Allocation of Municipal and Police Services

The hyper-concentration policy has resulted in a de facto withdrawal of basic municipal services. According to the 2025 SFPD Staffing Analysis, Southern District patrol officers (who cover SOMA) handle 390 community-generated calls per officer, the second highest workload in the city.

SFPD Sector Patrol Workload Disparities:
Community Calls for Service per Officer (2024)

District Station	Community Calls for Service (CFS 2024)	Current Sector Patrol Officers	Calls Per Officer (2024 Data)
Taraval	17,312	39	444
Southern	**31,955**	**82**	**390**
Mission	29,543	77	384
Northern	30,428	81	376
Central	26,515	72	368
Tenderloin	26,397	77	343
Richmond	12,879	47	274
Ingleside	17,807	69	258
Bayview	18,389	74	249
Park	9,698	47	206

Source: 2025 SFPD Staffing Analysis, pages 32 and 51

Despite forcing the highest concentration of acute services into this district, the City staffs Southern's sector patrol at only 78 percent of its recommended level and provides zero specialized housing officers and zero foot patrols to manage the density of supportive housing.

SFPD Staffing Inequities:
Recommended vs. Actual Sector Patrol Staffing by District

District Station	Current Sector Patrol Officers	Recommended Sector Patrol Officers	% Sector Patrol Staffed
Taraval	39	74	53%
Mission	77	108	71%
Southern	**82**	**105**	**78%**
Richmond	47	60	78%
Central	72	90	80%
Northern	81	98	83%
Ingleside	69	72	96%
Park	47	48	98%
Tenderloin	77	76	101%
Bayview	74	66	112%

Source: 2025 SFPD Staffing Analysis, pages 32 and 51

The result of this deliberate understaffing is that SOMA residents are left with significantly slower police response times compared to the rest of the city. In the last 90 days (12/17/25 to 3/17/26), SOMA's median police response time was 34.2 minutes, compared to a citywide median of 23.8 minutes. This means SOMA residents wait 44% longer for police assistance.

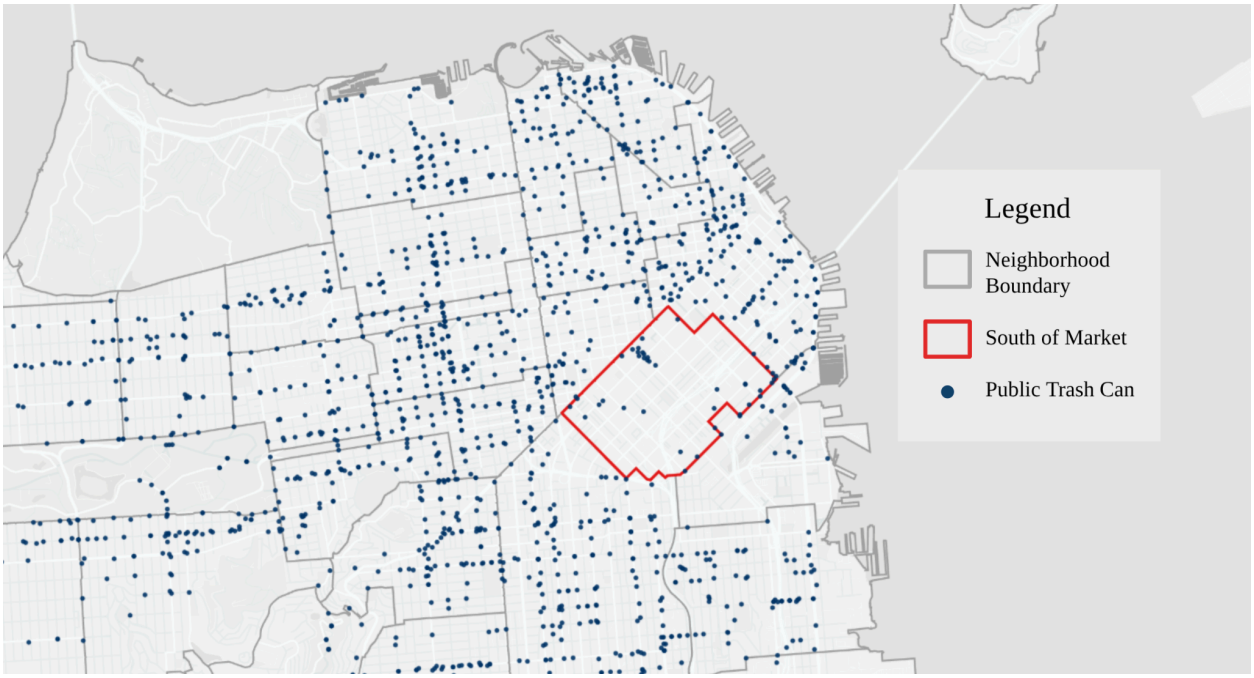
For Priority C calls (which include homelessness concerns, drug usage, and wellness checks), the disparity is even more severe. SOMA's median response time is 114 minutes, compared to a citywide median of 72 minutes. Because police take so long to arrive, 57% of these SOMA calls are marked 'Gone on Arrival' and 15% are categorized as 'Unserviced,' meaning no officer ever responds. The City thereby deprioritizes the safety of residents within the containment zone. (Source: Raw Data, Summary Dashboard).

2. Data Confirms the Physical Endangerment of Protected Classes
The City's policy of concentrating supportive housing in SOMA and the Tenderloin actively funnels vulnerable populations into the most dangerous areas of the city, intentionally depriving them of the safe, integrated living environments mandated by AFFH. According to recent 2026 data published by the San Francisco Chronicle, SOMA is the most violent neighborhood in San Francisco, suffering 41 reported violent crimes per 1,000 residents, followed closely by the Tenderloin at 37 per 1,000 (SF Chronicle). Meanwhile, the high-resource, exclusionary neighborhoods where the City refuses to site facilities such as those in Noe Valley, Inner Sunset, and Sunset/Parkside and Noe Valley experience fewer than 2.5 violent crimes per 1,000 residents (SF Chronicle). By bypassing its own equity laws to force projects like the 444 6th Street RESET Center into SOMA, the City is deliberately segregating disabled and low-income individuals into a containment zone that suffers a violent crime rate 1700% higher than the City's exclusionary, high-resource neighborhoods.

3. Infrastructure Redlining and Public Sanitation
The sanitation crisis in SOMA stems directly from documented municipal divestment. A spatial analysis of the City's own public works data reveals a glaring void of public trash receptacles across the SOMA Priority Equity Geography.

The City provides dense sanitation infrastructure to high-resource neighborhoods, but withholds these essential assets from its primary containment zone. This infrastructure redlining forces our local Community Benefit Districts to collect roughly 95,000 pounds of trash per month from SOMA sidewalks just to maintain basic hygiene (Source: SOMA West and Mid-Market CBD Operations Reports). Starving the neighborhood of public receptacles forces residents to privately subsidize the severe negative externalities of the City's containment policy.

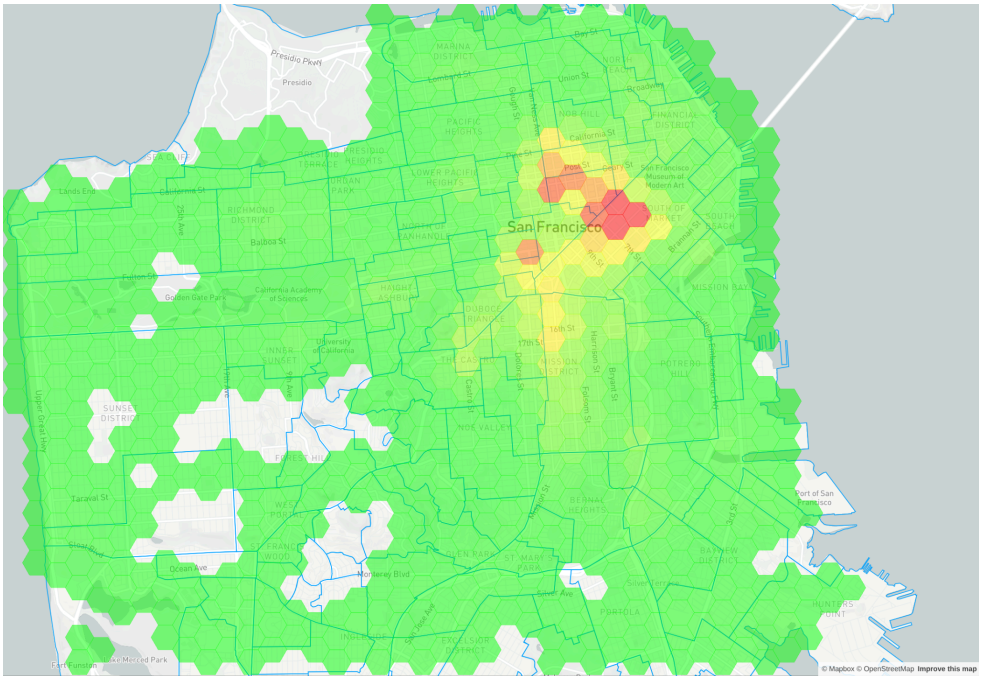
Distribution of Public Sanitation Infrastructure (Citywide)



Source: SF Public Works Asset Management System, Open DataSF, Last Updated Feb 21, 2026

4. Visual Evidence of Disparate Impact (311 Heat Map)
The severe negative externalities of this policy are visually confirmed by 311 service request data. As demonstrated in below the Citywide Encampment Report Heat Map, resident reports of encampments and street hazards are almost exclusively concentrated within the SOMA and Tenderloin containment zones.

311 Service Requests for Encampments & Homelessness Concerns (Last 90 Days)



Source: 311 Data, Last 90 Days, Filtered for “Encampment” & “Homelessness & Supportive Services Concerns”.

The red high-intensity zones on these maps align precisely with the City's designated service concentration areas, while high-resource districts remain virtually untouched. This visual evidence proves that the City's siting decisions directly correlate with a degradation of street conditions and public safety for local residents.

5. Privatization of Safety Infrastructure and Statistical Masking

To manage the severe negative externalities of this containment strategy, the City utilizes discretionary grants to fund a $1.1 million privatized safety infrastructure operated through the SOMA West Community Benefit District (CBD). This arrangement absorbs over 30,000 localized calls for service annually.

Because these incidents are handled privately, they rarely enter the official municipal police dataset. This dynamic artificially suppresses the City’s official crime and nuisance statistics, operating as an active mechanism of "statistical masking" that shields the true, localized impact of geographic concentration from state scrutiny.

The disparate impact of this concentration is explicitly recognized by the City itself. In a December 2025 investigative broadcast (ABC7), the CBD Executive Director stated, "The city is designing pockets of poverty and they're putting it here" (1:40). In the same report, the Department of Homelessness and Supportive Housing (HSH) issued a public statement acknowledging that the City's $820,000 private security funding was necessary "given HSH's recent investment in new recovery-focused shelter... in the SOMA West neighborhood” (3:45).

By publicly admitting that a City-funded facility necessitates a massive, privately-operated security response, HSH concedes that its localized siting practices generate severe, disparate harm. The City intentionally deploys discretionary funds to finance this privatized security force, mitigating the physical degradation of its land-use decisions while actively masking the resulting statistical data from state regulators.

6. Economic Disinvestment and Small Business Disruption
The City's containment policy is actively destroying economic opportunity in this designated Priority Equity Geography, directly violating the AB 686 mandate to transform these neighborhoods into "areas of opportunity." The hyper-concentration of acute services has created street conditions so severe that local, minority-owned small businesses cannot survive. Recent investigative reporting by Mission Local documented the imminent closure of a city-incubated restaurant at 6th and Howard Streets due to rampant vandalism, biohazards, and a complete loss of foot traffic resulting from the surrounding street conditions. The City's stated solution to this economic collapse, as touted by the district supervisor in that very report, is to open yet another "sobering center" in the immediate vicinity. This contradiction establishes the City's bad faith: attempting to mitigate the severe externalities of a containment zone by forcing even more high-acuity facilities into the exact same neighborhood.

7. Municipal Capital Flight and Official Admissions of Harm
The economic and social destruction of this Priority Equity Geography is so severe that the City's own agencies are actively attempting to flee the containment zone. In February 2026, the San Francisco Employees Retirement System (SFERS) attempted to relocate its headquarters out of the Mid-Market and SOMA corridor to the high-resource Financial District (SF Chronicle).

The City's own leadership explicitly acknowledges the devastation these concentration policies have caused. District 6 Supervisor Matt Dorsey recently admitted on the public record that the neighborhood "really bore the brunt of the Shelter in Place hotel debacle that ruined the neighborhood for years, that we're still digging out from". He further confessed that SOMA has become "the neighborhood where The City is solving all of its problems," acknowledging that the City's siting practices are "creating new ones for the neighborhood" (SF Examiner).

When a municipality's own workforce abandons a neighborhood due to severe externalities, and its own elected representative admits that City concentration policies have "ruined the neighborhood," it is undeniable proof of bad faith. The City is not "affirmatively furthering fair housing"; it is knowingly and actively destroying "opportunity" in a minority-concentrated area. This glaring double standard directly violates the core desegregation mandates of AB 686.

8. Environmental Disinvestment and Climate Maladaptation
The City's systematic withdrawal of green infrastructure from SOMA constitutes a direct violation of state housing law. Under Gov. Code § 8899.50(a)(1), the City has an affirmative duty to transform concentrated areas of poverty into "areas of opportunity." Crucially, the California Department of Housing and Community Development's (HCD) official AFFH Guidance explicitly defines this duty as requiring "investments in adaptation measures such as urban forestry" within disadvantaged communities.

The San Francisco General Plan Safety and Resilience Element also mandates that the City mitigate climate disparities in vulnerable communities, specifically citing heat islands and air quality.

Instead of fulfilling this mandate, the City's over-concentration of PSH in SOMA has resulted in a separate and unequal standard of community development, creating a state-funded cycle of climate maladaptation. By legally mandating the removal of urban forestry in SOMA while

aggressively expanding it in high-resource neighborhoods, the City is actively cementing SOMA's status as a segregated, low-opportunity containment zone. The City's own data confirms this structural inequity: there is a strong negative correlation (-0.49) between a neighborhood's tree canopy and its Environmental Justice Score. SOMA currently suffers from a mere 2.7 percent tree canopy, far below the citywide average.

Canopy Cover Disparities (2022)

Neighborhood	**2022 Canopy Cover**	**State / City Designation**
Seacliff	13.2%	Well-Resourced Neighborhood
Pacific Heights	11.0%	Well-Resourced Neighborhood
Citywide Average	**12.8%**	**Baseline**
South of Market (SOMA)	2.7%	Priority Equity Geography
Tenderloin	2.6%	Priority Equity Geography

Rather than closing this severe canopy gap as mandated, the City has codified a policy of active disinvestment. The Department of Public Works (DPW) relies on an official "deferral policy" for green infrastructure, allowing the city to skip planting sites in proximity to homeless shelters. In December 2025, the DPW Director publicly described the SOMA neighborhood as "inhospitable," citing vandalism to trees due to the density of the very populations the City has intentionally concentrated there (video 24:37, transcript).

This withdrawal of resources is formalized through San Francisco Public Works Order 187246, an active policy that prohibits planting in hundreds of existing alley tree wells. Without trees, many of these wells have already been filled with concrete, guaranteeing a permanent reduction of canopy cover in SOMA's pedestrian alleys.

The City actively diverts resources away from these containment zones. In 2023, San Francisco was awarded a $12 million federal grant specifically earmarked for planting trees in its most vulnerable neighborhoods. The City deliberately bypassed its own legally binding Environmental Justice Framework, utilizing a flawed methodology that excluded 15 designated Environmental Justice census tracts, primarily in SOMA and the Bayview, while actively funding 12 tracts that do not qualify as EJCs.

This active disinvestment directly violates the City's own binding General Plan commitments:

- Action 9.3.2: Mandates prioritizing investments in Priority Equity Geographies (like SOMA) for streetscape and neighborhood amenities.
- Action 9.2.7: Requires maximizing the installation of trees, especially in neighborhoods with less canopy coverage.
- Action 9.2.13: Pledges to mitigate air and noise pollution, which withheld green infrastructure directly exacerbates.

The City is knowingly concentrating climate-vulnerable populations into a designated heat island while simultaneously citing their presence as the justification to withhold the cooling infrastructure mandated by the Safety Element. Using the state-funded concentration of PSH as a

justification to withhold basic health and environmental infrastructure proves that SOMA is being managed as a containment zone, permanently cementing a reality of concrete over canopy rather than an area of opportunity. *(For a comprehensive, data-driven analysis of this specific environmental justice failure, see the full report: Concrete Over Canopy, currently under review by the California Attorney General's Bureau of Environmental Justice).*

Documented Two-Decade Pattern of Disinvestment and Administrative Failure
This active disinvestment is a documented, two-decade pattern of administrative failure. The City explicitly identified SOMA's severe canopy deficiency and published formal remediation goals in both its 2006 and 2014 Urban Forest Plans. Despite these codified commitments, SOMA's canopy remains stagnant at 2.7 percent (US Forestry Urban Canopy, summary from 2025 Report page 6)).

The Department of Public Works (DPW) documents over 500 empty tree wells in SOMA, yet continues to execute a structural deferral policy rather than utilizing this existing infrastructure. This prolonged inaction establishes that the City is failing to implement its environmental justice mandates or transform this state-designated R/ECAP into an area of opportunity.

The severity of this disparate impact recently prompted intervention from the local legislative branch. On January 27, 2026, the District 6 Supervisor initiated a formal Letter of Inquiry investigating City departments for the disparate impact of their tree planting and concrete policies. A formal legislative investigation into the municipality's own executive agencies establishes that local administrative remedies have failed. The persistent violation of civil rights protections under Gov. Code § 11135 necessitates immediate State intervention by HCD and the Attorney General.

Active Divestment and a Pattern of Infrastructure Redlining
The City's failure to provide environmental equity to SOMA constitutes a documented pattern of infrastructure redlining. leaving the neighborhood with a suffocating 0.3 acres of open space per 1,000 residents compared to the citywide baseline of 5.5 acres and average of 7.67 acres. This engineered inequity is especially stark when compared to the city's affluent areas, as residents in San Francisco's low-income neighborhoods have access to 57% less park space than those in high-income neighborhoods (ParkScore).

Despite explicitly identifying SOMA as a high needs and open space deficient area, the City has systematically abandoned multiple planned parks for the neighborhood. Internal City communications reveal that in 2016, the City killed a viable, community-backed park acquisition at 1133 Mission Street to prioritize a park at 11th and Natoma streets (Email, Jan. 25, 2017). On August 25, 2025, the Recreation and Parks Department officially halted the 11th and Natoma project (Rachele Sullivan Park). Crucially, out of approximately 30 capital park projects across the city, the SOMA park was the **only one** explicitly placed on indefinite pause (Mission Local).

The City attributed this funding shortfall to stalled development combined with its own September 2023 legislative decisions (Ordinances 187-23 and 193-23) to slash development impact fees and defer payment collections until the issuance of a Certificate of Occupancy. By choosing to subsidize private development during an economic downturn at the direct expense of community impact fees, the City willingly severed the primary funding mechanism for SOMA's

infrastructure.

Compounding this divestment is the City's active misrepresentation to state regulators. In the City's September 3, 2025 Addendum to the Environmental Impact Report for its Housing Element Rezoning, the Planning Department explicitly listed the halted 11th and Natoma park as a "completed" recreational facility to justify further density (p. 43). As demonstrated by current, date-stamped photos, the site remains an intact, vacant commercial building. The 1133 Mission Street Site, similarly, today remains an open pit.

Strikingly, while SOMA is subjected to fee waivers, stripped of mitigation capital, and has its only parks canceled, the City actively utilizes its Open Space Acquisition Fund to subsidize and complete massive new park projects in wealthy, low-need exclusionary neighborhoods, such as Noe Valley (Noe Town Square) and Russian Hill (Francisco Reservoir/Park) (email). By misrepresenting environmental documents to cover up the abandonment of green infrastructure in the city's most concrete-dense containment zone while actively funding new parks in affluent areas, the City is deliberately violating its AFFH mandate to invest in place-based improvements.

General Plan Inconsistency and Concurrent Attorney General Investigation
Withholding equitable environmental infrastructure creates an internal inconsistency within the San Francisco General Plan, violating Government Code § 65300.5. The active disinvestment directly violates the Environmental Justice Framework (adopted pursuant to SB 1000) and the Safety and Resilience Element, both of which mandate the mitigation of heat islands in vulnerable communities.

This severe statutory inconsistency is already the subject of a concurrent state-level inquiry. On December 16, 2025, Assemblymember Matt Haney submitted a formal request to California Attorney General Rob Bonta's Bureau of Environmental Justice to investigate San Francisco's compliance with state environmental justice laws. The inquiry highlights the exact pattern documented here: essential green infrastructure is systematically withheld from Environmental Justice Communities like SOMA based on subjective criteria, effectively treating these neighborhoods as environmental sacrifice zones. Because this constitutes a severe General Plan inconsistency and is already the subject of an inquiry by state legislators, we request immediate referral to the Attorney General.

Exhaustion of Local Remedies and Administrative Refusal to Act
The community has made every attempt to resolve this crisis locally, only to be met with deliberate inaction by the City's executive leadership. Throughout September and October 2025, a broad coalition of institutional partners (including the UC Center for Climate, Health, and Equity, the South of Market Community Action Network (SOMCAN), the Coalition for San Francisco Neighborhoods (CSFN), and the SOMA West Neighborhood Association) submitted formal, written notices to Mayor Daniel Lurie. These notices explicitly cited SOMA's severe particulate matter (PM 2.5) pollution and formally warned the City that its policies treat SOMA as an environmental "containment zone".

Despite these coalition warnings and a direct, verbal commitment from DPW Director Carla Short in early September 2025 to collaborate on a city-wide equity plan, the Department ceased all communication and ignored all subsequent community follow-ups. The refusal of the Mayor, the Planning Commission, and the DPW Director to address these documented civil rights and

environmental violations, combined with broken promises of departmental collaboration, establishes that local administrative remedies have been fully exhausted. The City is operating with documented knowledge of its disparate impact, making state enforcement the only viable path to compliance.

9. State-Funded Health Endangerment and the Overdose Crisis
The City's containment policy not only segregates poverty but actively endangers the lives of vulnerable populations. SOMA and the Tenderloin are the recognized epicenters of San Francisco's fatal drug overdose crisis.

According to recent public health data, nearly four out of every five overdose deaths in 2025 occurred in just four zip codes, with SOMA and the Tenderloin bearing the vast majority of this burden. More than 40 percent of the city's overdose deaths occur in these two neighborhoods alone. Despite a citywide decline in fatal overdoses in 2025, the geographic disparity remains staggering, and the absolute numbers remain lethal, with 53 deaths in January 2026 alone (SF Chronicle). This crisis disproportionately impacts protected classes. Black San Franciscans account for more than 25 percent of overdose deaths despite comprising only roughly 5 percent of the population (SF Examiner).

Under AB 686, the City has a mandatory duty to transform concentrated areas of poverty and Priority Equity Geographies into areas of opportunity. Instead, the City is deliberately siting its highest-acuity Permanent Supportive Housing and recovery facilities directly inside the most lethal open-air drug markets in the state.

The City's Defense is Pretextual
The Department of Public Health justifies this containment strategy by claiming that "Locating services nearby where individuals congregate increases the likelihood of people engaging" (p. 2). The City argues that because vulnerable populations already reside on the streets of SOMA, recovery housing must be built there.

The City's own legislative branch invalidates this administrative pretext. The final text of Ordinance 172-25 (The One City Shelter Act) documents that concentrating populations in SOMA actively obstructs recovery: "Street-based outreach teams and clinicians have reported that many unsheltered individuals decline shelter placements... because the facilities they are offered are located in highly saturated neighborhoods like the Tenderloin or SoMa. These environments are often associated with safety concerns, retraumatization, and challenges related to open-air drug use. Individuals frequently express that they cannot get clean, stabilize, or progress while placed in these areas" (p. 4).

This geographic concentration causes documented physical harm. Placing treatment facilities in neighborhoods struggling with open drug markets forces vulnerable individuals (many of whom suffer from recognized disabilities under fair housing law) to navigate active narcotics markets daily just to access their housing. Siting recovery housing directly inside an entrenched drug market triggers a fatal "isolation paradox." Peer-reviewed public health studies confirm that the environment of these SROs drives tenants to use drugs alone behind closed doors, which is the primary driver of fatal overdoses in these facilities (Gazzola et al., NIH Study).

San Francisco public health data reveals SRO residents face an overdose mortality rate roughly

19 times higher than non-SRO residents, with the vast majority dying undetected inside their own units (Rowe et al., SF NIH Study). This institutional endangerment is a documented, multi-year pattern. Major investigative reporting revealed that at least 166 people fatally overdosed inside city-funded hotels over a two-year period, accounting for 14 percent of all confirmed overdose deaths in San Francisco despite housing less than 1 percent of the population (SF Chronicle, April 2022).

The City's administrative response establishes its knowledge of this ongoing hazard. To mitigate the sheer volume of solitary deaths continuing inside PSH sites, providers have resorted to installing "Brave Buttons", which are wall-mounted panic alarms residents press before using drugs alone so staff can intervene if they overdose (Rosen et al., NIH Study).

By calculating an Overdose Location Quotient that compares a neighborhood's share of the citywide population against its share of fatal overdoses, the physical reality of the City's containment policy becomes mathematically undeniable. A neighborhood with an LQ of 1.0 experiences a mortality rate exactly proportional to its population. As the data demonstrates, the City's exclusionary zoning has completely shielded high-resource neighborhoods, rendering them "Fully Insulated (Zero Fatalities)" or "Disproportionately Low." Conversely, the City artificially forces the SOMA Priority Equity Geography to absorb a "Severe Hyper-Concentration" of the mortality burden.

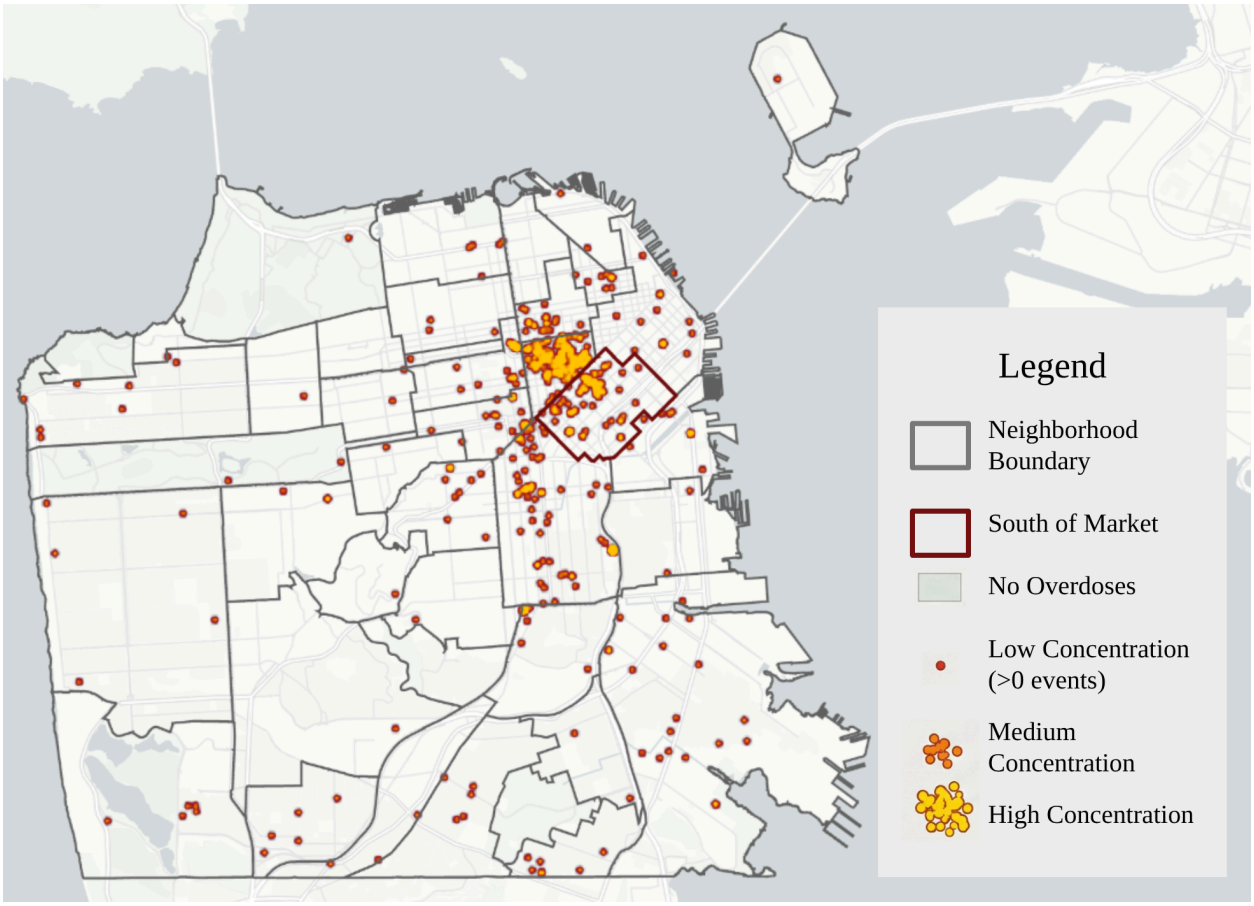
Fatal Overdose Disparities: Location Quotients by Neighborhood (2025)

Neighborhood	Share of City Population (Baseline)	Share of Overdose Deaths in 2025 (Burden)	Overdose Location Quotient (LQ)	Interpretation
Tenderloin	4%	29.4%	7.60	Severe Hyper-Concentration
South of Market	3%	15.2%	4.88	Severe Hyper-Concentration
Mission	7%	18.3%	2.75	Severe Hyper-Concentration
Western Addition	3%	5.8%	2.17	Severe Hyper-Concentration
Bernal Heights	3%	4.0%	1.39	High Concentration
Hayes Valley	2%	2.9%	1.28	High Concentration
Nob Hill	3%	3.1%	1.08	Proportional to Population
Chinatown	1%	1.5%	0.99	Proportional to Population
Financial District/South Beach	3%	2.3%	0.77	Proportional to Population
Mission Bay	2%	1.6%	0.76	Proportional to Population
Bayview Hunters Point	5%	3.2%	0.71	Disproportionately Low
Castro/Upper Market	3%	1.6%	0.61	Disproportionately Low
Visitacion Valley	2%	1.1%	0.57	Disproportionately Low
Lakeshore	1%	0.8%	0.56	Disproportionately Low
Treasure Island	0%	0.2%	0.55	Disproportionately Low
Japantown	0%	0.2%	0.33	Disproportionately Low
Presidio	0%	0.2%	0.33	Disproportionately Low
Marina	3%	0.8%	0.29	Disproportionately Low
Oceanview/Merced/Ingleside	3%	0.8%	0.28	Disproportionately Low
Outer Richmond	5%	1.3%	0.25	Disproportionately Low
North Beach	1%	0.3%	0.24	Disproportionately Low
Excelsior	4%	0.8%	0.18	Disproportionately Low
Outer Mission	3%	0.5%	0.18	Disproportionately Low
Portola	2%	0.3%	0.18	Disproportionately Low
Lone Mountain/USF	2%	0.3%	0.17	Disproportionately Low
Potrero Hill	2%	0.3%	0.17	Disproportionately Low
Pacific Heights	3%	0.5%	0.17	Disproportionately Low
Twin Peaks	1%	0.2%	0.17	Disproportionately Low
Haight Ashbury	2%	0.3%	0.16	Disproportionately Low
Inner Sunset	3%	0.5%	0.15	Disproportionately Low
Sunset/Parkside	9%	0.8%	0.09	Disproportionately Low
Inner Richmond	2%	0.2%	0.07	Disproportionately Low
Noe Valley	3%	0.2%	0.06	Disproportionately Low
West of Twin Peaks	4%	0.2%	0.04	Disproportionately Low
Glen Park	1%	0.0%	0.00	Fully Insulated (Zero Fatalities)
Presidio Heights	1%	0.0%	0.00	Fully Insulated (Zero Fatalities)
Russian Hill	2%	0.0%	0.00	Fully Insulated (Zero Fatalities)
Seacliff	0%	0.0%	0.00	Fully Insulated (Zero Fatalities)

Source: San Francisco Office of the Chief Medical Examiner (January 1, 2025-December 31, 2025)

As the above data and the spatial analysis below demonstrate, the visual and statistical concentration of these fatalities aligns perfectly with the boundaries of the City's designated Priority Equity Geographies.

Geographic Concentration of Fatal Overdoses (2025)



Source: San Francisco Office of the Chief Medical Examiner (January 1, 2025-December 31, 2025)

The City is utilizing exclusionary zoning to completely shield high-resource neighborhoods from this crisis, rendering them "Fully Insulated," while artificially forcing the SOMA Priority Equity Geography to absorb a severe hyper-concentration of the mortality burden. Allocating state housing funds to funnel vulnerable individuals directly into a known, concentrated mortality zone is a severe violation of both AFFH mandates and the civil rights protections of Gov. Code § 11135. The State cannot legally finance the endangerment of its own citizens.

We strongly support PSH as a critical citywide solution, and SOMA has proudly absorbed far more than its equitable share of this responsibility. However, the neighborhood has now reached a lethal level of saturation. To provide the true sanctuary and "opportunity" mandated by AB 686, the City must direct all new PSH to "Well-Resourced Neighborhoods" until geographic equity is achieved. Retrofitting state-funded housing with panic alarms simply to prevent predicted mass casualties is a glaring admission that the City is intentionally placing vulnerable people in toxic environments. By deliberately concentrating recovery housing in these lethal environments, the City is actively financing the endangerment of protected classes.

10. Disparate Impact and Civil Rights Violation (Gov. Code § 11135)
Because SOMA is a designated Priority Equity Geography that contains recognized R/ECAP tracts, the City's documented withdrawal of basic safety, sanitation, and environmental infrastructure constitutes a severe civil rights violation under Gov. Code § 11135. The police response data, sanitation burdens, and 311 heat maps prove that the City is providing a separate,

unequal, and drastically lower standard of municipal protection to this neighborhood to subsidize its containment strategy. SOMA is being actively managed as a segregated disparate impact area rather than being transformed into an area of opportunity as required by state fair housing mandates.

XI. Procedural Violations and Enforcement Triggers

The City's actions constitute specific procedural violations that grant HCD immediate enforcement authority beyond standard compliance reviews.

1. **Procedural Bad Faith and Evasion of Local Anti-Saturation Laws**
   As detailed in Section VI.11, the City's intentional manipulation of facility definitions to bypass its own anti-saturation ordinance demonstrates calculated, procedural bad faith. Falsifying facility classifications (such as misclassifying a behavioral health center as a "carceral facility") to evade geographic equity caps constitutes arbitrary and capricious administrative behavior designed to subvert AFFH mandates. This deliberate evasion of public oversight is further evidenced by recent local Sunshine Ordinance violations, wherein the MOHCD and DPH were found to have willfully withheld contract information regarding these saturated sites from the public to evade scrutiny (MOHCD violation, DPH violation, p.11).

2. **Material Deviation from Certified Housing Element**
   HCD's compliance finding was predicated on the implementation of programs to develop housing in "Well-Resourced Neighborhoods." In its September 9, 2025 letter, HCD explicitly warned that "switching provisions with new provisions that are inconsistent with the integrity... of the housing element" could trigger revocation of compliance. Systematically funding and acquiring projects in SOMA while the West Side remains "paper capacity" constitutes a total abandonment of the City's core rezoning strategy. This material deviation violates the integrity of the approved Housing Element, making it fraudulent.

3. **The "January 2027 Trigger" (Action 8.1.5)**
   Action 8.1.5 of the Housing Element (p. 140) mandates automatic rezoning and constraint reductions in Well-Resourced Neighborhoods if building permit targets are not met by January 31, 2027. The pipeline data indicates the City is currently failing this metric. We demand HCD strictly monitor this trigger and ensure SOMA units are not improperly counted toward West Side targets to avoid the penalty clause.

4. **CEQA Deficiency (Rejection of Equity Alternative)**
   During the environmental review process, community coalitions submitted an "Equity Alternative" designed to prioritize affordable housing development and prevent displacement in vulnerable neighborhoods (p. 151-154). The City refused to study this approach, dismissing the 100 Percent Affordable Housing Alternative as infeasible and explicitly ruling that the community's Equity Alternative would "not [be] considered further for the purposes of CEQA" (p. 166). Concentrating poverty in SOMA without evaluating the environmental superiority of an equitable distribution model fails to mitigate the documented environmental impacts of segregation, rendering the EIR legally deficient.

5. **Falsification of CEQA Environmental Documents**

To justify the continued concentration of high-density development in SOMA without providing required mitigations, the City submitted materially false information to the State. In the September 2025 Addendum to the Environmental Impact Report (EIR) for the Housing Element Rezoning, the Planning Department explicitly listed the 11th and Natoma park (Rachel Sullivan Park) among "new parks and recreational facilities completed." The City relied directly on this falsified asset to legally conclude that the park would "offset future demand," resulting in a "less than significant impact" requiring "no new mitigation" (p. 43).

In reality, the Recreation and Parks Department officially halted this project indefinitely due to budget cuts, and the site remains an active, vacant commercial building. Submitting a falsified EIR Addendum to mask severe environmental and recreational deficiencies in a designated Priority Equity Geography, specifically to evade CEQA mitigation mandates, renders the environmental review legally invalid.

6. **Effective Denial of West Side Housing**

HCD's own Housing Accountability Unit has previously warned San Francisco that lengthy, weaponized bureaucratic delays constitute an "effective denial" of housing (see HCD Letter re: 450-474 O'Farrell, Nov 22, 2021). The City routinely utilizes this exact tactic to protect wealthier neighborhoods from integration while fast-tracking concentration in SOMA.

For example, during a Board of Supervisors hearing on October 24, 2023, it was revealed that the Mayor's Office of Housing and Community Development (MOHCD) inexplicably withdrew its timeline to issue a Request for Qualifications (RFQ) for 100 affordable units at "Parcel K", 432 Octavia in Hayes Valley, stalling a project on city-owned land that had been designated for affordable housing for over two decades (video 8:17, transcript, item).

According to reporting by the SF Chronicle, the Mayor's Office admitted in writing that it delayed the project due to neighborhood opposition, fearing an affordable housing developer would be "walking into a hornet's nest." In October 2024, a MOHCD spokesperson admitted to KQED that the City was abandoning the high-resource Parcel K site to "instead focus on advancing projects that are... located in priority equity neighborhoods."

Crucially, during the exact same timeframe that MOHCD claimed it could not issue an RFQ for Hayes Valley, it successfully authorized over $100 million in rapid acquisitions and voucher contracts for massive containment sites in SOMA (such as the 333 12th Street City Gardens and 1174 Folsom Street). Selectively applying administrative friction to shield high-resource areas while fast-tracking "priority equity neighborhoods" renders the Site Inventory fraudulent and effectively denies integration.

7. **Improper Discretionary Review**

The City uses discretionary review to improperly condition or block West Side projects while facilitating SOMA projects. This violates the principles of fair application required under State Density Bonus Law (see HCD Notice of Violation re: 3832 18th Street, Dec 29, 2022).

XII. Grounds for Referral to the California Attorney General

Under Gov. Code § 65585(j), we request HCD refer this matter to the California Attorney General's Housing Justice Team. This team integrates the Land Use, Civil Rights Enforcement, and Environmental Justice bureaus, aligning precisely with the interconnected violations detailed in this complaint. Recent enforcement actions against Norwalk, Anaheim, and Huntington Beach establish a clear precedent for state intervention in local fair housing violations. HCD's March 14, 2025 notice regarding the Fillmore Center confirms the agency's willingness to refer San Francisco to the Attorney General.

1. **Institutional Bad Faith: Rigging Ordinance 172-25**
   San Francisco points to Ordinance 172-25, the so-called "One City Shelter Act," to project an image of geographic equity. The statutory text reveals deliberate loopholes ensuring SOMA's continued saturation. Admin. Code § 124.1 explicitly exempts heavy, state-licensed psychiatric and addiction facilities. Section 124.2(d) grants the Board of Supervisors unilateral authority to override equity caps by resolution. Section 124.3(a) exempts any facility utilizing Prop 1 funds.

   The City relies on these exemptions as a calculated zoning bypass to continue its illegal containment strategy. In a recent application of this bad faith, the City misclassified the 444 6th Street RESET Center as a carceral facility to bypass the mandatory public Waiver Resolution under § 124.2(d) and force the project into SOMA, despite sobering centers being explicitly listed as covered facilities under the ordinance's own definitions (§ 124.1).

2. **Affirmative Entrenchment: Contract Renewals in Saturated Zones**
   AB 686 mandates the replacement of segregated living patterns, requiring compliance mechanisms like contract non-renewals and site relocations to well-resourced neighborhoods. The City authorizes multi-year contract extensions for high-acuity sites within SOMA, affirmatively locking in segregated conditions for the remainder of the decade.

3. **Illegal Concentration in a Priority Equity Geography**
   SOMA is a state-designated Disadvantaged Community (SB 535 DAC), a state-designated Environmental Justice Community, and a city-designated Priority Equity Geography. San Francisco frequently frames the placement of Permanent Supportive Housing in SOMA as an "investment" or "anti-displacement" measure. Government Code § 8899.50(a)(1) explicitly defines Affirmatively Furthering Fair Housing as "replacing segregated living patterns". Siting high-poverty housing in a high-poverty Priority Equity Geography reinforces segregation. Compliant AFFH investment mandates the expansion of amenities and opportunity (such as parks, transit, and green infrastructure); the unilateral concentration of poverty services contradicts this standard.

4. **Actions "Materially Inconsistent" with AFFH**
   Under State Housing Element Law (Gov. Code § 65583) and San Francisco Planning Code § 102, supportive housing, emergency shelters, single-room occupancy units, and transitional housing are legally classified as residential uses subject to the mandate to affirmatively further fair housing. The City frequently claims passive status under state streamlining laws (like AB 2162 or SB 35) to excuse its localized saturation of these facilities, but the administrative record contradicts this defense. San Francisco engineers this concentration through discretionary financial and real estate strategies. The City actively deploys over $157 million in discretionary capital to maintain segregation, utilizing mechanisms such as direct property acquisitions (the $27.2 million purchase of 1174-1178 Folsom Street) and localized, multi-decade subsidy

contracts (the $50 million Project-Based Voucher allocation for 333 12th Street).

The allocation of state and local funds for these acquisitions triggers Gov. Code § 11135, which prohibits discrimination in any state-funded program. Directing state tax credits, Homekey funds, or MHP allocations to concentrate protected classes inside a designated Priority Equity Geography carrying the highest environmental burden in the jurisdiction violates this statute. While local zoning approvals may be subject to administrative deference, compliance with civil rights law is a strict liability. The State of California lacks the statutory discretion to finance its own segregation. HCD is legally obligated to investigate the City's deployment of state capital and refer this discriminatory funding pattern to the Attorney General.

5. **Deficient Site Inventory Practices (AB 1397)**
   AB 1397 requires sites to demonstrate a "realistic and demonstrated potential for redevelopment". The City's Sites Inventory relies on projected rezoning in the West Side (Richmond/Sunset) to meet its Lower Income RHNA targets. Three years into the cycle, active pipeline data shows these high-resource sites remain dormant while SOMA sites absorb 100% affordable capacity. To maintain legal compliance, the State must force the City to locate immediate replacement sites in high-resource areas and prohibit the default harvesting of SOMA.

6. **Abandonment of Public Land Commitments (Action 1.2.6)**
   Under Action 1.2.6 of the certified Housing Element (p. 96), the City committed to expanding its Public Land for Housing Program to maximize affordable housing on publicly owned and surplus sites. The City is actively abandoning this commitment when those public sites are located in well-resourced areas (such as Parcel K in Hayes Valley), routinely deploying its discretionary capital to instead acquire new, private parcels exclusively within the SOMA containment zone. Diverting capital away from adopted public land commitments in high-opportunity neighborhoods to finance private acquisitions in a designated Priority Equity Geography constitutes a deliberate failure to implement a mandatory program action under Gov. Code § 65583(h) and Gov. Code § 65585(i), and a material inconsistency with AFFH mandates.

7. **Coordinated Civil Rights and Environmental Violations**
   The California Attorney General's Bureau of Environmental Justice is currently reviewing Assemblymember Matt Haney's formal request to investigate San Francisco's compliance with SB 1000. That inquiry challenges the City's practice of treating District 17 as an environmental containment zone, where basic infrastructure is deliberately withheld due to existing poverty concentrations. Referring this AFFH complaint to the Housing Justice Team allows the State to prosecute these interconnected housing, municipal, and environmental policies holistically. Integrating attorneys from the Civil Rights Enforcement Section and the Bureau of Environmental Justice, the Team is the precise statutory body equipped to evaluate these concurrent violations. Segregating vulnerable populations and subsequently denying them green infrastructure represent two prongs of a singular, illegal containment strategy.

8. **Liability for Maximum Civil Penalties (Gov. Code § 65009.1)**
   Effective January 1, 2025, Gov. Code § 65009.1 grants the Attorney General and HCD authority to seek civil penalties up to $50,000 per month, per violation, against local agencies evading ministerial approval laws. The statute triggers when an agency's actions are "arbitrary, capricious... contrary to established public policy, unlawful, or procedurally unfair". San Francisco's conduct precisely meets this statutory threshold. The City acts in documented bad

faith through its mathematical exploitation of SOMA's zoning capacity to satisfy state regulators on paper. Simultaneously, the City traps the physical neighborhood in discretionary review to deny it ministerial streamlining. The affirmative voting record to continuously dump high-acuity facilities into a recognized containment zone constitutes an arbitrary and capricious violation of the AFFH commitments codified in the City's own Housing Element. This statute provides the exact enforcement mechanism to prosecute the City and extract maximum monthly penalties until these geographic violations are permanently cured.

XIII. Relief Sought and Requested Enforcement Actions

To cure the City and County of San Francisco's documented violations of State Housing Element Law, the Affirmatively Furthering Fair Housing mandate (AB 686), and the Realistic Capacity requirements of AB 1397, HCD's Housing Accountability Unit (HAU) must exercise its statutory authority to execute the following enforcement actions:

1. **Reject the SB 79 Alternative Plan (Ordinance File No. 260132)**
   HCD must reject the City's proposed Alternative Plan to SB 79. The City's methodology is mathematically pretextual: it relies on the "paper capacity" of SOMA's WMUG parcels to prove "equivalent development capacity" to the State, while the Alternative Plan itself actively strips those exact parcels of ministerial streamlining. By trapping these parcels in discretionary review, the City ensures those units can never feasibly be built, thereby undermining the "realistic capacity" requirements of the City's Housing Element (AB 1397). The permanent exemption of SALI parcels protects a discriminatory double standard that bans market-rate housing while principally permitting hyper-concentrated poverty facilities.

2. **Enforce Action 8.1.5 and Conduct a Realistic Capacity Review**
   SOMA's "paper capacity" remains trapped in discretionary review and shielded from SB 79 streamlining; therefore, HCD must re-evaluate the Site Inventory's realistic capacity assumptions under AB 1397. HCD must also strictly enforce Housing Element Action 8.1.5, which mandates that the City enact additional, widespread rezoning and constraint reductions if it fails to permit 29,049 new units by January 31, 2027.

3. **Issue a Notice of Violation (NOV)**
   HCD must issue a formal NOV pursuant to its enforcement authority under Gov. Code § 65585(i) and (j) finding the City has failed its mandatory duty under Gov. Code § 65583(h) to implement specific, actionable commitments (including Action 1.2.6 and Action 8.1.5). Additionally, HCD must find the City is operating in direct conflict with the prohibitory aspect of Gov. Code § 8899.50 by taking actions "materially inconsistent" with AFFH obligations. The NOV must explicitly cite the following documented violations:

   - **Concentrated Approvals and Acquisitions:** The continuous, post-certification funneling of over $157 million in discretionary capital to acquire and fund high-acuity sites in SOMA (specifically including 333 12th Street, 1174 Folsom Street, 967 Mission, 333 7th Street, and the 279 emergency beds sited under Ordinance 010-25 at The Kean, The Sharon, James Baldwin Place, and Harbor Light).
   - **Affirmative Entrenchment and Pipeline Steering:** The City's active material inconsistency with AFFH mandates through the funneling of its Extremely Low-Income housing pipeline into SOMA (including 160 Freelon, 921 Howard, and the 6th Street SROs), and the discretionary execution of massive, multi-year master contract renewals

(specifically the $92.3 million Conard House and $305 million HealthRight 360 master contracts) to permanently lock high-acuity operations into the containment zone for the remainder of the decade (including MSC South, Sanctuary Shelter, A Woman's Place, the Medical Respite Center, and the pending June 2026 renewals of Hospitality House and SOMA RISE).

- **Failure to Implement (Action 1.2.6):** The intentional abandonment of public land commitments in well-resourced areas (specifically the delay and abandonment of Parcel K at 432 Octavia) in favor of acquiring private parcels in a designated Priority Equity Geography.
- **Failure to Implement (Actions 7.1.1 and 8.1.6)**: The imposition of new, localized governmental constraints through the SB 79 Alternative Plan (Ordinance File No. 260132) and the Family Zoning Plan (Ordinance Nos. 243-25, 244-25, and 245-25) to permanently exempt SOMA from ministerial streamlining, without explicitly offsetting these constraints by the removal or reduction of other constraints as required by the certified Housing Element
- **Bad Faith Siting:** The procedural manipulation of the 444 6th Street approval (misclassifying a behavioral health center as a "carceral facility") to intentionally bypass the City's own geographic equity caps, constituting arbitrary and capricious administrative behavior.
- **State-Funded Discrimination:** A finding under Gov. Code § 11135 that allocating State financial assistance to segregate protected classes in a designated heat island and overdose epicenter, while simultaneously withdrawing municipal services, constitutes state-funded discrimination.
- **Economic Suppression:** The use of the SOMA NCT zoning district (via disproportionate inclusionary requirements and commercial footprint caps) as an exclusionary mechanism designed to engineer commercial blight, preventing mixed-income integration and defying the mandate to transform Priority Equity Geographies into areas of opportunity.

4. **Issue a Corrective Action Letter**
   Consistent with HCD's prior action on November 28, 2023, HCD must issue a formal letter demanding immediate corrective steps to halt the concentration of services in SOMA. This Corrective Action Letter must mandate that the City:

   - **Cure the "Ministerial Exclusion Zone":** The City's targeted application of Housing Sustainability Districts (HSDs) and ministerial approvals to the west and to the east actively traps SOMA in a discretionary review process that chills private investment. HCD must mandate the City extend HSD status or equivalent non-discretionary approval to SOMA West to cure commercial blight and fulfill its mandate to Affirmatively Further Fair Housing (Gov. Code § 8899.50).
   - **Mandate AFFH Consistency Findings for Renewals.** Require a formal AFFH impact analysis for every PSH or shelter contract renewal. If a renewal perpetuates hyper-concentration (Location Quotient > 1.0) and environmental disinvestment, require the City to present a "Relocation and De-concentration Plan" utilizing Housing Choice Vouchers in high-resource neighborhoods, rather than approving multi-year renewals in the saturated Low-Resource neighborhood.

5. **Condition Discretionary Funding on Geographic Equity**
   To enforce the AFFH mandate to "replace segregated living patterns," HCD must condition the receipt of discretionary state financial assistance (including state tax credits, Homekey, and MHP funds) on geographic equity. Funding for new 100 percent restricted affordable housing and shelter projects must be formally redirected to Well-Resourced Neighborhoods until geographic parity is achieved citywide.

6. **Revoke Housing Element Compliance, Trigger the Builder's Remedy, and Refer to the AG**
   If the City fails to immediately implement these corrective actions to dismantle its exclusionary zoning strategy, HCD must revoke its finding that the City's Housing Element is in substantial compliance with State Housing Element Law pursuant to Gov. Code § 65585(i). This revocation must immediately subject the City to the Builder's Remedy (Gov. Code § 65589.5), stripping the jurisdiction of its authority to deny or downsize compliant affordable housing projects in high-resource exclusionary neighborhoods. Concurrently, HCD must refer the City of San Francisco to the California Attorney General's Housing Justice Team pursuant to Gov. Code § 65585(j), with the recommendation that the Attorney General pursue maximum civil penalties and injunctive relief under Gov. Code § 65585(l) until the City's arbitrary, capricious, and exclusionary practices are completely dismantled.

Respectfully submitted,

The Board of Directors
SOMA West Neighborhood Association (SWNA)